By Mr. ROBERTS (for himself and Mr. BROWNBACK):

S. Con. Res. 72. A concurrent resolution honoring the centennial celebration of the University of Kansas basketball program and the contributions of the program to the sport of basketball and of the coaches, players, and 500 lettermen, who have achieved success and made significant contributions on and off the basketball court; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS:

S. 1603. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

THE SURVIVORS OF TORTURE SUPPORT ACT

Mr. GRAMS. Mr. President, most people do not realize that torture is practiced or condoned in more than 100 countries.

We all agree that torture is a horrible act. It is designed to physically and emotionally cripple individuals, to render them incapable of mounting an effective opposition to a regime or a system of beliefs.

Torture does not affect just the victim—it sends a strong message to the victim's family, community, and nation that dissent will not be tolerated. Torture is not used as a weapon just against an individual—it is used as a weapon against democracy.

As a nation, we cannot stand by and continue to let the victims of torture suffer in silence. We must do more than proclaim that the practice of torture is abhorrent. We must provide assistance to torture survivors, for they truly are not able to help themselves.

The ''Survivors of Torture Support Act'' will assist victims of torture both here and abroad. While the practice of torture is not a problem in this country, many victims of torture flee to the United States to seek refuge.

As many as 400,000 torture survivors now live in the United States. Many of the survivors may not be getting the assistance they need. Other survivors of torture remain abroad; they deserve effective treatment as well.

The ''Survivors of Torture Support Act'' makes changes in U.S. immigration policy to account for the special needs of torture survivors.

This bill designates torture victims as refugees of special humanitarian concern.

It ensures expedited processing for asylum applicants who present credible claims of subjection to torture. It also establishes procedures for taking into account the effects of torture in the adjudication of such claims.

This bill grants the presumption that such applicants shall not be detained while their asylum claims are pending, and provides exemption from expedited removal procedures for individuals in danger of being subjected to torture.

Many times, torture survivors are not identified by U.S. officials because consular, immigration, and also asylum personnel have not received adequate training in either the identification of evidence of torture or the techniques for interviewing torture victims.

The ''Survivors of Torture Support Act'' requires that the Attorney General and the Secretary of State provide training necessary for these officials to recognize the effects of torture on victims, and the way this can affect the interview or hearing process.

It also requires special training in interview techniques, so that survivors of torture are not traumatized by this experience.

Torture survivors can be productive members of American society if they have access to treatment. That is why this bill provides $50 million over three years for treatment of victims of torture in the United States and abroad.

My home state of Minnesota is fortunate to have the first comprehensive treatment center in the United States for victims of torture.

The Center for Victims of Torture has treated more than 500 patients since it was established in 1985, and by helping those patients overcome the atrocities suffered in their homelands, has assisted them in becoming productive members of our communities.

In addition to providing treatment to persons who have been tortured by foreign governments, the Center has been active in providing training and support for treatment centers abroad. I have learned a great deal from visiting the Center and meeting its clients and staff.

Support for legislation to assist torture survivors has been increasing since Senator Dave Durenberger first introduced it in 1994.

I have worked closely with my colleague from Minnesota, Senator WELLSTONE, in developing legislation to address the very real needs of these survivors. While we have chosen different paths in bringing this issue before the Senate, our bills differ primarily in approach.

Therefore, I applaud his efforts and look forward to working closely with him to move legislation forward in 1998 that will assist victims of torture who reside in the U.S. and also abroad.

The United States should take a leading role in encouraging the establishment of additional treatment programs both at home and also abroad.

We are making progress in this direction. The U.S. is now the largest contributor to the United Nations voluntary fund for victims of torture. We must continue to support treatment centers, like the one in Minnesota, which help those who cannot help themselves.

Again, I urge my colleagues to support this much-needed legislation.

By Mr. D'AMATO (for himself and Mr. GRASSLEY):

S. 1604. A bill to amend title XVIII of the Social Security Act to repeal the restriction on payment for certain hospital discharges to post-acute care of imposed by section 4407 of the Balanced Budget Act of 1997; to the Committee on Finance.

MEDICARE TRANSFER REPEAL LEGISLATION

Mr. D'AMATO. Mr. President, I am introducing legislation today to repeal a provision of the Balanced Budget Act (BBA) of 1997 that is particularly onerous and unfair to New York's and our nation's hospitals. The provision is one that expands the definition of a Medicare transfer and it is inherently counterintuitive to assuring the delivery of appropriate health care services to patients.

As many of my colleagues might recall, I was actively involved during the Senate's debate of the BBA in fighting for the elimination of the transfer provision. I thought then, and I still believe now that it is bad health care policy that runs counter to the mission that we should be advocating when we make policy: to encourage the providers of health care in our communities to provide the most appropriate care for the good of their patients. Along with my colleague Senator DODD, last year, we were able to mitigate the impact of the original transfer provision in the final BBA that was enacted. Unfortunately, we were not able to eliminate it from the BBA and that is why I am here today, offering legislation to finish the job we started last summer.

Included in the BBA was a provision that would expand the definition of a Medicare acute care transfer to include discharges to any rehabilitation or psychiatric hospital, nursing home or home health agency. This policy is scheduled to go into effect on October 1, 1998, for 10 Medicare hospital procedures that will be determined by the Secretary of Health and Human Services. What this means for hospitals that transfer patients is that the hospital would no longer get paid the appropriate payment (a DRG payment)—they would instead get paid a lesser amount—just because the patient was discharged to receive a more appropriate level of care. This policy would only apply for patients that are transferred in under the average length of stay.

Let me give you an example: a patient goes into the hospital for one of the 10 designated procedures, for example, a hip operation, which has an average length of stay of 10 days. At 7 days, the patient's doctor wants to transfer him to a rehabilitation hospital to continue his recovery. This is where the transfer policy would have an effect: the hospital that discharged him would no longer receive the payment that is due to them—the DRG payment. Instead, they would receive a lesser per diem payment, merely because the patient was discharged to receive a more appropriate, cost effective level of care.

Let me spend a moment here talking about the hospital payment system. The DRG system was put into place by Congress to create the proper incentives for providing an appropriate level

of care for patients. It is a system that is built on average: patient cases that have higher lengths of stay are ''underpaid'' and cases that have lower than average lengths of stay are ''overpaid'' because, regardless of the length of stay, hospitals get the same payment. The new transfer policy would begin a serious erosion of the DRG system and, as a result, create the wrong incentives for hospitals. Hospitals that are faced with receiving a lesser payment for providing the appropriate care for a patient, will undoubtedly change their behavior: they will end up keeping a patient in the hospital longer—until the average length of stay is reached, and then transfer the patient to a post-acute care facility. As a result, the transfer policy creates a disincentive for hospitals to efficiently provide the most appropriate level of care for their patients.

The transfer policy is not necessary. Patients that use post-acute care services tend to have more complicated health care needs and longer hospital stays than those patients that don't use post-acute care. For this reason, the transfer policy does not address a problem in the Medicare system that needs fixing. Even the Prospective Payment Assessment Commission rejected this policy change because they believed it was bad health care policy and that it provided the wrong incentives for a hospital prospective payment system.

It also creates billing documents for our hospitals who would be held responsible for the future actions of former patients. This sets up our hospitals for future allegations of fraud. For example, a hospital discharges a patient, who goes home from the hospital, expecting to be cared for by a family member. Suddenly, the family member becomes ill and unexpectedly cannot care for a patient. The patient's doctor calls the local home health care agency, who now sends a nurse out to the patient's home for 3 weeks of home care. The hospital has no knowledge of this and will bill Medicare for the full DRG because it believed that the patient was discharged and at home recovering. The hospital is unaware of actions of the patient and therefore would have no reason to bill the Medicare program differently. The government later could cite the hospital for fraud because they billed the Medicare program improperly. Hospitals are faced with the impossible and untenable task of tracking the future actions of patients that left their care.

Repeal of the transfer policy is the only way to right a very misguided policy that was adopted last year. I urge my colleagues to support legislation that will eliminate a provision of the BBA that is bad health policy and disruptive to a system that aims to assure that patients receive the right care in the most appropriate setting.

Mr. President, I ask unanimous consent that the text of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1604

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF RESTRICTION ON MEDICARE PAYMENT FOR CERTAIN HOSPITAL DISCHARGES TO POST-ACUTE CARE.

(a) IN GENERAL.—Section 1886(d)(5) of the Social Security Act (42 U.S.C. 1395ww(d)(5)), as amended by section 4407 of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 401), is amended—

(1) in subparagraph (I)(ii), by striking ''not taking in account the effect of subparagraph (J),'', and

(2) by striking subparagraph (J).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Balanced Budget Act of 1997 (Public Law 105–33; 111 Stat. 251).

By Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. HOLLINGS, Mr. JOHNSON, Mr. KENNEDY, Mr. REID, Mr. TORRICELLI, and Mr. DODD):

S. 1605. A bill to establish a matching grant program to help States, units of local government, and Indian tribes to purchase armor vests for use by law enforcement officers.

THE BULLETPROOF VEST PARTNERSHIP ACT OF 1998

Mr. CAMPBELL. Mr. President, today Senator LEAHY and I are introducing the Bulletproof Vest Partnership Act of 1998, a bill to establish a matching grant program to help State, Tribal and local jurisdictions purchase armor vests for the use by law enforcement officers. We are pleased to be joined in this effort by the distinguished Chairman of the Senate Judiciary Committee, Senator HATCH, and Senators D'AMATO, FAIRCLOTH, HOLLINGS, JOHNSON, KENNEDY, REID, TORRICELLI and DODD. This bill expands on legislation I introduced last month to help law enforcement.

There are far too many law enforcement officers who patrol our streets and neighborhoods without the proper protective gear against violent criminals. As a former deputy sheriff, I know first-hand the risks which law enforcement officers face everyday on the front lines protecting our communities.

Today, more than ever, violent criminals have bulletproof vests and deadly weapons at their disposal. In fact, figures from the U.S. Department of Justice indicate that approximately 150,000 law enforcement officers—or 25 percent of the nation's 600,000 state and local officers—do not have access to bulletproof vests.

The evidence is clear that a bulletproof vest is one of the most important pieces of equipment that any law enforcement officer can have. Since the introduction of modern bulletproof material, the lives of more than 1,500 officers have been saved by bulletproof vests. In fact, the Federal Bureau of Investigation has concluded that officers who do not wear bulletproof vests are 14 times more likely to be killed by a firearm than those officers who do wear vests. Simply put, bulletproof vests save lives.

Unfortunately, many police departments do not have the resources to purchase vests on their own. The Bulletproof Vest Partnership Act of 1998 would form a partnership with state and local law enforcement agencies in order to make sure that every police officer who needs a bulletproof gets one. It would do so by authorizing up to $25 million per year for a new grant program within the U.S. Department of Justice. The program would provide 50–50 matching grants to state and local law enforcement agencies and Indian tribes to assist in purchasing bulletproof vests and body armor. To make sure that no police department is left out of the program, the matching requirement could be waived for those jurisdictions that cannot afford it.

While we know that there is no way to end the risks inherent to a career in law enforcement, we must do everything possible to ensure that officers who put their lives on the line every day also put on a vest. Body armor is one of the most important pieces of equipment an officer can have and often means the difference between life and death.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bulletproof Vest Partnership Act of 1998''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the number of law enforcement officers who are killed in the line of duty would significantly decrease if every law enforcement officer in the United States had the protection of an armor vest while performing their hazardous duties;

(2) the Federal Bureau of Investigation estimates that more than 30 percent of the almost 1,182 law enforcement officers killed by a firearm in the line of duty could have been saved if they had been wearing body armor;

(3) the Federal Bureau of Investigation estimates that the risk of fatality to law enforcement officers while not wearing an armor vest is 14 times higher than for officers wearing an armor vest;

(4) the Department of Justice estimates that approximately 150,000 State, local, and tribal law enforcement officers, nearly 25 percent, are not issued body armor;

(5) the Executive Committee for Indian Country Law Enforcement Improvements reports that violent crime in Indian country has risen sharply, despite decreases in the national crime rate, and has concluded that there is a ''public safety crisis in Indian country''; and

(6) many State, local, and tribal law enforcement agencies, especially those in smaller communities and rural jurisdictions,

need assistance in order to provide body armor for their officers.

(b) PURPOSE.—The purpose of this Act is to save lives of law enforcement officers by helping State, local, and tribal law enforcement agencies provide those officers with armor vests.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARMOR VEST.—The term ''armor vest'' means body armor that has been tested through the voluntary compliance testing program operated by the National Law Enforcement and Corrections Technology Center of the National Institute of Justice (NIJ), and found to comply with the requirements of NIJ Standard 0101.03, or any subsequent revision of that standard.

(2) BODY ARMOR.—The term ''body armor'' means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, stabbing, or other physical harm.

(3) DIRECTOR.—The term ''Director'' means the Director of the Bureau of Justice Assistance of the Department of Justice.

(4) INDIAN TRIBE.—The term ''Indian tribe'' has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(5) LAW ENFORCEMENT OFFICER.—The term ''law enforcement officer'' means any officer, agent, or employee of a State, unit of local government, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(6) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(7) UNIT OF LOCAL GOVERNMENT.—The term ''unit of local government'' means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

SEC. 4. PROGRAM AUTHORIZED.

(a) GRANT AUTHORIZATION.—The Director may make grants to States, units of local government, and Indian tribes in accordance with this Act to purchase armor vests for use by State, local, and tribal law enforcement officers.

(b) APPLICATIONS.—Each State, unit of local government, or Indian tribe seeking to receive a grant under this section shall submit to the Director an application, in such form and containing such information as the Director may reasonably require.

(c) USES OF FUNDS.—Grant awards under this section shall be—

(1) distributed directly to the State, unit of local government, or Indian tribe; and

(2) used for the purchase of armor vests for law enforcement officers in the jurisdiction of the grantee.

(d) PREFERENTIAL CONSIDERATION.—In awarding grants under this section, the Director may give preferential consideration, where feasible, to applications from jurisdictions that—

(1) have a violent crime rate at or above the national average, as determined by the Federal Bureau of Investigation; and

(2) have not been providing each law enforcement officer assigned to patrol or other hazardous duties with body armor.

(e) MINIMUM AMOUNT.—Unless all applications submitted by any State, unit of local government, or Indian tribe for a grant under this section have been funded, each State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent.

(f) MAXIMUM AMOUNT.—A State, together with grantees within the State (other than Indian tribes), may not receive more than 5 percent of the total amount appropriated in each fiscal year for grants under this section.

(g) MATCHING FUNDS.—The portion of the costs of a program provided by a grant under this section may not exceed 50 percent, unless the Director determines a case of fiscal hardship and waives, wholly or in part, the requirement under this subsection of a non-Federal contribution to the costs of a program.

(h) ALLOCATION OF FUNDS.—Not less than 50 percent of the funds awarded under this section in each fiscal year shall be allocated to units of local government, or Indian tribes, having jurisdiction over areas with populations of 100,000 or less.

(i) REIMBURSEMENT.—Grants under this section may be used to reimburse law enforcement officers who have previously purchased body armor with personal funds during a period in which body armor was not provided by the State, unit of local government, or Indian tribe.

SEC. 5. APPLICATIONS.

Not later than 90 days after the date of enactment of this Act, the Director shall promulgate regulations to carry out this Act, which shall set forth the information that must be included in each application under section 4(b) and the requirements that States, units of local government, and Indian tribes must meet in order to receive a grant under section 4.

SEC. 6. PROHIBITION OF PRISON INMATE LABOR.

Any State, unit of local government, or Indian tribe that receives financial assistance provided using funds appropriated or otherwise made available by this Act may not purchase equipment or products manufactured using prison inmate labor.

SEC. 7. SENSE OF CONGRESS.

In the case of any equipment or product authorized to be purchased with financial assistance provided using funds appropriated or otherwise made available under this Act, it is the sense of Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

SEC. 8. AUTHORIZATION FOR APPROPRIATIONS.

There is authorized to be appropriated $25,000,000 for each of fiscal years 1999 through 2003 to carry out this Act.

Mr. D'AMATO. Mr. President, in 1996, one violent crime was committed every nineteen seconds in the United States. According to the Uniform Crime Reports, firearms were the weapons used in 29% of all murders, robberies and aggravated assaults, collectively, that year. When a crime occurs, no matter what the crime or the weapons used, the first action taken is to call the police. Law enforcement rushes to the rescue, risking their own lives in the process.

It is imperative that we do all we can to assist the police in handling these volatile situations. That is why I join with Senators CAMPBELL and LEAHY in introducing the Bulletproof Vest Partnership Grant Act—a bill that will provide funding for equipment that is critical to preserve the lives of our law enforcement. The ''equipment'' of which I speak is a bullet proof vest. Under this bill, the federal government will pay half the cost for the purchase of armor vests for a State and local law enforcement.

This bill promotes the purchases of these life-saving vests. The need for them is proven over and over again. Nationwide, the FBI estimates that nearly one third of the 1,182 law enforcement officers killed by a firearm in the line of duty since 1980 would be alive if they had worn a bullet proof vest.

Just this past December, Rochester, New York was rocked by the shooting of three police officers. Rochester Police Officers Mark G. Dibelka and Thomas DiFante were both shot in the chest and Sgt. Michael Kozak was shot in the arm. All three men lived—thanks to the bulletproof vests. These heroes will live to see the judicial process at work against the criminal charged with three counts of first degree attempted murder. Due to the bullet proof vests, we are able to wish these men a speedy recovery.

In New York City, the lives of two officers were saved with a bulletproof vest. A convicted drug dealer is accused of shooting two officers, firing three shots at Detective Wafkey Salem in the chest and shot at Detective Lourdes Gonzalez' shoulder. These officers lived to tell their stories.

The Bulletproof Vest Partnership Grant Protection Act of 1998 authorizes $25 million of federal funds to be matched with State and localities funds for the purchase of armor vests. Any agent or officer that prevents, detects or investigates crimes, or supervises sentenced offenders, will be able to receive a bulletproof vest with the assistance of this grant—that includes law enforcement and correction officers.

Special attention is paid to rural areas, with at least 50% of the funds available to jurisdictions with populations of 100,000 or less. Each state would receive a minimum of .75% of the total federal funds, including Puerto Rico. The bill also includes a maximum of 5% that can be drawn to each state, including the grantees of that state. The only restriction is that the armor vests are not made by prison labor, a very reasonable requirement, especially in light of the nature of the life-saving equipment. This legislation also recognizes that the equipment purchased with federal assistance should be made in the United States.

Law enforcement officers risk their lives for people, and we owe it to them to make sure the risks are at a minimum. We owe it to the men and women who go to work everyday and have no idea what dangerous situation awaits them—and we owe it to their families. This bill should be passed, swiftly and, I hope, with the full support of the Senate.

Mr. HOLLINGS. Mr. President, today I am proud to co-sponsor a bill which

will be an essential component of the war on crime. The Bulletproof Vest Partnership Act, which was introduced today, will save the lives of law enforcement officers across the country by helping state and local law enforcement agencies provide their officers with body armor.

Providing body armor to more law enforcement agencies will greatly reduce injuries and fatalities among officers. The FBI estimates that more than 40 percent of the 1,182 officers killed in the line of duty by a firearm since 1980 would have lived had they worn bullet-resistant vests. In fact, the FBI considers the risk of death to officers not wearing armor to be 14 times greater than that for officers wearing body armor.

Mr. President, today 150,000 law officers in the United States do not have access to this essential equipment. This is unacceptable. These brave men and women risk their lives every day to enforce the law and protect and serve the public. The least we can do is afford them the greatest degree of protection possible as they fight crime in our communities.

The Bulletproof Vest Partnership Act of 1998 will provide state and local law enforcement officers with the critical equipment they need to protect their officers in the line of duty. This bipartisan bill will create a $25 million grant program in the Department of Justice to provide matching funds to state and local law enforcement agencies to purchase body armor. I would like to underscore the importance of the word ''Partnership'' in this bill. This grant program will continue the effective federal-state-local partnerships that have proved so successful in the war on crime.

One of the greatest features of this bill, Mr. President, is that it prefers law enforcement agencies that cannot now provide body armor for their officers. This is especially helpful to small and rural jurisdictions. In fact, the Bulletproof Vest Partnership Act requires the Justice Department to provide at least 50% of the grant program's funds to small jurisdictions comprising fewer than 100,000 people. This provision is especially important in states like South Carolina, where the vast majority of jurisdictions fit this description.

The Fraternal Order of Police, National Sheriff's Association, International Union of Police Associations, and Police Executive Research Forum all endorse this bill, Mr. President. These groups understand better than anyone the importance of this legislation. They know from firsthand experience that body armor often can mean the difference between life and death for an officer.

If we are serious about fighting crime, we must ensure the safety of our law enforcement officers. The best way to do this is to provide state and local law enforcement agencies with the funds to purchase new equipment such as body armor for their officers. Though we cannot protect every law officer from danger, we can and must ensure that they have the best equipment available to protect themselves while in the line of duty.

The Bulletproof Vest Partnership Act will do all these things. I am proud to co-sponsor it, and I encourage all my colleagues to support this bipartisan legislation. Let us do our part in the war on crime.

Mr. JOHNSON. Mr. President, I rise today in support of the Bullet Proof Vest Partnership Act of 1998 introduced by Senator LEAHY and Senator CAMPBELL. I am an original cosponsor of this legislation and I want to take this opportunity to commend my colleagues for their work in addressing this issue. This bill is about saving lives and protecting the men and women in law enforcement who keep our communities safe. There are few opportunities for the Congress to help local law enforcement, and I thank Senators LEAHY and CAMPBELL for bringing this grant program to the attention of the Senate.

The Bullet Proof Vest Partnership Act will establish a $25 million matching grant program within the Department of Justice to help state, local and tribal law enforcement agencies purchase needed body armor. According to the Department of Justice, approximately 150,000 state and local law enforcement officers, nearly 25 percent, are not issued body armor. Justice estimates that the risk of fatality for officers while not wearing body armor is 14 times higher than for officers equipped with protection on the job.

While law enforcement in my rural state of South Dakota does not face the volume of high risk and hazardous situations that police forces in New York or California contend with every day, one preventable death is too many, and this program will help every community protect their officers. To that end, Senators LEAHY and CAMPBELL were careful to structure this program to guarantee access for rural states and communities. Under the small state minimum in the Leahy-Campbell bill, South Dakota would be eligible for at least $187,000 per year in federal matching grant funds. The bill also gives the Department of Justice the discretion to lower or waive the matching requirement for communities facing financial hardship. Life saving body armor can run $500–700, keeping bullet proof vests out of reach for many small and rural communities with extremely limited resources.

I also strongly support the recognition of Indian tribal law enforcement needs included in this bill. Juvenile crime and gang activity are on the rise on rural reservations, and resources are continually scarce. This bill will allow tribes to access funds on equal footing with state and local police forces. I am committed to encouraging cooperation between tribal and non-tribal law enforcement agencies in my state and throughout the country for the important and shared goal of combating crime nationwide. Recognizing tribal law enforcement through this grant program is an important step forward.

Mr. President, the need to protect our law enforcement officers is pressing. This legislation will outfit our law enforcement officers with the equipment necessary to protect themselves while protecting our families. I encourage speedy Judiciary Committee consideration of this initiative and urge full Senate support for this much needed grant program.

Mr. LEAHY. Mr. President, today Senator CAMPBELL and I are introducing the Bulletproof Vest Partnership Act of 1998, along with Senators D'AMATO, DODD, HATCH, HOLLINGS, JOHNSON, KENNEDY, REID and TORRICELLI. I am particularly pleased that the Chairman of the Senate Judiciary Committee, Senator HATCH, is an original cosponsor of this bill. Our bipartisan legislation is intended to save the lives of law enforcement officers across the country by helping state and local law enforcement agencies provide their officers with body armor.

Far too many police officers are needlessly killed each year while serving to protect our citizens. According to the Federal Bureau of Investigation, more than 30 percent of the 1,182 officers killed by a firearm in the line of duty since 1980 could have been saved if they had been wearing body armor. Indeed, the FBI estimates that the risk of fatality to officers while not wearing body armor is 14 times higher than for officers wearing it.

Unfortunately, far too many state and local law enforcement agencies cannot afford to provide every officer in their jurisdictions with the protection of body armor. In fact, the Department of Justice estimates that approximately 150,000 State and local law enforcement officers, nearly 25 percent, are not issued body armor.

In countless incidents across the country everyday officers sworn to protect the public and enforce the law are in danger. Last year, an horrific incident along the Vermont and New Hampshire border underscores the need for the quick passage of this legislation to provide maximum protection to those who protect us. On August 19, 1997, federal, state and local law enforcement authorities in Vermont and New Hampshire had cornered Carl Drega, after hours of hot pursuit. He had shot to death two New Hampshire state troopers and two other victims earlier in the day. In a massive exchange of gunfire with the authorities, Drega was killed.

During that shootout, all federal law enforcement officers wore bulletproof vests, while some state and local officers did not. For example, Federal Border Patrol Officer John Pfeifer, a Vermonter, was seriously wounded in the incident. I am glad that Officer Pfeifer is back on the job after being hospitalized in serious condition. Had it not

been for his bulletproof vest, I fear that he and his family might well have paid the ultimate price.

The two New Hampshire state troopers who were killed by Carl Drega were not so lucky. We all grieve for them and our hearts go out to their families. They were not wearing bulletproof vests. Protective vests might not have been able to save the lives of those courageous officers because of the high-powered assault weapons, but the tragedy underscore the point that all of our law enforcement officers, whether federal, state or local, deserve the best protection we can provide, including bulletproof vests.

With that and lesser-known incidents as constant reminders, I will continue to do all I can to help prevent loss of life among our law enforcement officers.

The Bulletproof Vest Partnership Act of 1998 will help by creating a new partnership between the federal government and state and local law enforcement agencies to help save the lives of police officers by providing the resources for each and every law enforcement officer in harm's way to have a bulletproof vest. Our bipartisan bill would create a $25 million matching grant program within the Department of Justice dedicated to helping State and local law enforcement agencies purchase body armor.

In my home State of Vermont, our bill enjoys the strong support of the Vermont State Police, the Vermont Police Chiefs Association and many Vermont sheriffs, troopers, game wardens and other local and state law enforcement officials. Just last week I was honored to be joined by Vermont Attorney General William Sorrell, Vermont Commissioner of Public Safety James Walton, Vermont State Police Director John Sinclair, Vermont Fish and Wildlife Lieutenant Robert Rooks, South Burlington Police Chief Lee Graham, South Burlington Vermont Officer Diane Reynolds as we spoke about state and local law enforcement officers' need for body armor.

Since my time as a State prosecutor, I have always taken a keen interest in law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest states in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us. And we should do what we can to protect them, when a need like this one comes to our attention.

Our nation's law enforcement officers put their lives at risk in the line of duty everyday. No one knows when danger will appear. Unfortunately, in today's violent world, even a traffic stop may not necessarily be ''routine.'' In fact, the National Association of Chiefs of Police just reported that 21 police officers were killed in the line of duty last month, nearly double the toll for the month of January in both 1997 and 1996. More than ever, each and every law enforcement officer across the nation deserves the protection of a bulletproof vest.

Senator CAMPBELL and I have the support of the Fraternal Order of Police and many other law enforcement groups for this proposal. I urge my colleagues to support this bipartisan legislation and its quick passage into law.

By Mr. WELLSTONE (for himself, Mr. KENNEDY and Mr. HARKIN):

S. 1606. A bill to fully implement the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment and to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

THE TORTURE VICTIMS RELIEF ACT

Mr. WELLSTONE. Mr. President, today I am introducing the Torture Victims Relief Act of 1998. I am joined today by Senator KENNEDY and Senator HARKIN as original cosponsors of this measure. This legislation outlines a comprehensive strategy for providing critical assistance to refugees, asylees, and parolees who are torture survivors in the U.S. and abroad. It also protects asylum seekers from being involuntary returned to a country where they have reasonable grounds to fear subjection to torture. This legislation provides a focus and a framework for a newly re-energized debate about where torture survivors, and our response to the practice of torture by other countries, fit within our foreign policy priorities.

Late in the 103rd Congress, I introduced with Senator Durenburger the Torture Victim's Relief Act, which laid down a bipartisan marker on the issue. I reintroduced it in the 104th, along with Republicans and Democrats alike, pressing forward on several fronts.

I hope that enactment of this legislation will be a watershed in the movement to garner broader public and private support, both here and abroad, for much-needed torture rehabilitation programs. Specifically, the Torture Victims Relief Act would authorize funds for domestic refugee assistance centers as well as bilateral assistance to torture treatment centers worldwide. It would also change our immigration laws to give a priority to torture survivors and provide for specialized training for U.S. consular personnel who deal with torture survivors.

Finally, the bill would allow an increase in the U.S. contribution to the U.N. Voluntary Fund for Torture Victims, which funds and supports rehabilitation programs worldwide. In 1997 this fund contributed about $3.4 million to nearly 100 projects in more than 50 countries. I believe that continuing to expand the U.S. contribution to the fund is necessary as a show of genuine U.S. commitment to human rights, and I will continue to push until these programs receive the funding they need and deserve.

Mr. President, the practice of torture is one of the most serious human rights issues of our time. Governmental torture, and torture being condoned by officials of governments, occurs in at least 70 countries today. We need look no farther than today's headlines about Algeria, Turkey, Iraq, Bosnia, Rwanda, China and Tibet to know that we will be dealing with the problems that torture victims face for many years.

In many countries torture is routinely employed in police stations to coerce confessions or obtain information. Detainees are subjected to both physical and mental abuse. Methods include beatings with sticks and whips; kicking with boots; electric shocks; and suspension from one or both arms. Victims are also threatened, insulted and humiliated. In some cases, particular those involving women, victims are stripped, exposed to verbal and sexual abuse. Medical treatment is often withheld, sometimes resulting in death.

In China, torture of detainees and prisoners is not uncommon, as exemplified by Chen Longde's case. In 1996, one month after his conviction without trial, Chen leapt from a two-story prison walkway in an attempt to avoid repeated beatings and electric shocks from a senior prison official as punishment for his refusal to write a statement of guilt and self-criticism.

Richard Oketch was tortured by the Ugandan military. He was imprisoned for a total of a year in various military compounds near his home. His hands were shackled to his feet, he was denied food and sleep, and he was beaten regularly. Oketch managed to flee Uganda and eventually, with the help of the United Nations, he made it to the United States. However, the emotional scars of watching his family members and dozens of friends slaughtered left him for a time, unable to function in society.

Today Oketch holds a master's degree and works as a program specialist for the St. Paul Public School. He credits his transformation to the treatment he received at the Minnesota Center for Victims of Torture. There Oketch received the services he needed to deal with his grief and become an active member of his community. Unfortunately, Oketch's story is the exception, not the rule. Most torture survivors, even those who are granted asylum in the United States, never receive the treatment they need.

We can and must do more to stop horrific acts of torture, and to treat its victims. Treating torture victims must be a much more central focus of our efforts as we work to promote human rights worldwide.

Providing treatment for torture survivors is one of the best ways we can show our concern for human rights around the world. The United States and the international community have been increasingly aware of the need to prevent human rights abuses and to punish the perpetrators when abuses take place. But too often we have failed to address the needs of the victims. We pay little if any attention to

the treatment of victims after their rights have been violated.

This commitment to protect human rights is one shared by many around the world. In 1984 the U.N. approved the United Nations' Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment. The U.S. Senate ratified it in April of 1994. Although Congress has taken some steps to implement parts of the Convention, we have not yet taken action to provide sufficient rehabilitation services in the spirit of the language of Article 14 of the Convention which provides that the victim of an act of torture has: ''the means for as full a rehabilitation as possible.''

We have also failed to adopt implementing legislation for Article 3 which states that ''No State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.'' Without legislation implementing this article, it is possible for the United States to return someone to a country even where there are substantial grounds for believing the person would be subjected to torture. This legislation would help ensure that the U.S. is fulfilling its obligation under the Convention Against Torture.

There also exists a great need for the rehabilitation programs supported by this legislation. Without active programs of healing and recovery, torture survivors often suffer continued physical pain, depression and anxiety, intense and incessant nightmares, guilt and self-loathing. They often report an inability to concentrate or remember. The severity of the trauma makes it difficult to hold down a job, study for a new profession, or acquire other skills needed for successful adjustment into society.

In Minnesota, we began to think about the problem of torture, and act on it, over ten years ago. The Center for Victims of Torture in Minneapolis is the only fully-staffed torture treatment facility in the country and one of just a few worldwide. The Center offers outpatient services which can include medical treatment, psychotherapy and help gaining economic and legal stability. Its advocacy work also helps to inform people about the problem of torture and the lingering effects it has on victims, and ways to combat torture worldwide. The Center has treated or provided services to hundreds of people since its founding in 1985.

Some of the often shrill public rhetoric these days seems to argue that we as a nation can no longer afford to remain engaged with the world, or to assist the poor, the elderly, the feeble, refugees, those seeking asylum—those most in need of aid who are right here in our midst. The Center for Victims of Torture stands as a repudiation of that idea. Its mission is to rescue and rehabilitate people who have been crushed by torture, and it has been accomplishing that mission admirably over the last ten years. It is a light of hope in the lives of those who have for so long seen only darkness, a darkness brought on by the brutal hand of the torturer.

I would like to thank the distinguished human rights leaders who helped craft this bill, including those at the Center for Victims of Torture in Minneapolis and others in the human rights community here in Washington and in Minnesota. Without their energy and skills as advocates for tough U.S. laws which promote respect for internationally-recognized human rights worldwide, the cause of human rights here in the U.S. would be seriously diminished. I salute them today. We must commit ourselves to aiding torture survivors and to building a world in which torture is relegated to the dark past. My hope is that we can help bring about a world in which the need for torture treatment programs becomes obsolete. I urge my colleagues to cosponsor this bill, and I urge its timely passage.

I ask unanimous consent that a partial list of organizations supporting the Torture Victims Relief Act be printed in the RECORD with a copy of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1606

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Torture Victims Relief Act''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The American people abhor torture by any government or person. The existence of torture creates a climate of fear and international insecurity that affects all people.

(2) Torture is the deliberate mental and physical damage caused by governments to individuals to destroy individual personality and terrorize society. The effects of torture are long term. Those effects can last a lifetime for the survivors and affect future generations.

(3) By eliminating leadership of their opposition and frightening the general public, repressive governments often use torture as a weapon against democracy.

(4) Torture survivors remain under physical and psychological threats, especially in communities where the perpetrators are not brought to justice. In many nations, even those who treat torture survivors are threatened with reprisals, including torture, for carrying out their ethical duties to provide care. Both the survivors of torture and their treatment providers should be accorded protection from further repression.

(5) A significant number of refugees and asylees entering the United States have been victims of torture. Those claiming asylum deserve prompt consideration of their applications for political asylum to minimize their insecurity and sense of danger. Many torture survivors now live in the United States. They should be provided with the rehabilitation services which would enable them to become productive members of our communities.

(6) The development of a treatment movement for torture survivors has created new opportunities for action by the United States and other nations to oppose state-sponsored and other acts of torture.

(7) There is a need for a comprehensive strategy to protect and support torture victims and their treatment providers, together with overall efforts to eliminate torture.

(8) By acting to heal the survivors of torture and protect their families, the United States can help to heal the effects of torture and prevent its use around the world.

(9) The United States became a party to the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment on November 20, 1994, but has not implemented Article 3 of the Convention.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) IN GENERAL.—Except as otherwise provided, the terms used in this Act have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

(2) TORTURE.—The term ''torture'' has the meaning given the term in section 2340(1) of title 18, United States Code, and includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

SEC. 4. PROHIBITION ON INVOLUNTARY RETURN OF PERSONS FEARING SUBJECTION TO TORTURE.

(a) PROHIBITION.—Notwithstanding any other provision of law, the United States shall not expel, remove, extradite, or otherwise return involuntarily an individual to a country if there is substantial evidence that a reasonable person in the circumstances of that individual would fear subjection to torture in that country.

(b) DEFINITION.—For purposes of this section, the term ''to return involuntarily'', in the case of an individual, means—

(1) to return the individual without the individual's consent, whether or not the return is induced by physical force and whether or not the person is physically present in the United States; or

(2) to take an action by which it is reasonably foreseeable that the individual will be returned, whether or not the return is induced by physical force and whether or not the person is physically present in the United States.

SEC. 5. IMMIGRATION PROCEDURES FOR TORTURE VICTIMS.

(a) COVERED ALIENS.—An alien described in this section is any alien who presents a claim of having been subjected to torture, or whom there is reason to believe has been subjected to torture.

(b) CONSIDERATION OF THE EFFECTS OF TORTURE.—In considering an application by an alien described in subsection (a) for refugee status under section 207 of the Immigration and Nationality Act, asylum under section 208 of that Act, or withholding of removal under section 241(b)(3) of that Act, the appropriate officials shall take into account—

(1) the manner in which the effects of torture might affect the applicant's responses in the application and in the interview process or other immigration proceedings, as the case may be;

(2) the difficulties torture victims often have in recounting their suffering under torture; and

(3) the fear victims have of returning to their country of nationality where, even if torture is no longer practiced or the incidence of torture is reduced, their torturers may have gone unpunished and may remain in positions of authority.

(c) EXPEDITED PROCESSING OF REFUGEE ADMISSIONS.—For purposes of section 207(c) of the Immigration and Nationality Act (8 U.S.C. 1157(c)), refugees who have been subjected to torture shall be considered to be refugees of special humanitarian concern to

the United States and shall be accorded priority for resettlement at least as high as that accorded any other group of refugees.

(d) PROCESSING FOR ASYLUM AND WITHHOLDING OF REMOVAL.—Section 235(b)(1)(A) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(A)) is amended by adding at the end the following new clause:

''(iv) SPECIAL PROCEDURES FOR ALIENS WHO ARE THE VICTIMS OF TORTURE.—

''(I) EXPEDITED PROCEDURES.—With the consent of the alien, an asylum officer or immigration judge shall expedite the scheduling of an asylum interview or a removal proceeding for any alien who presents a claim of having been subjected to torture, unless the evidence indicates that a delay in making a determination regarding the granting of asylum under section 208 of the Immigration and Nationality Act or the withholding of removal under section 241(b)(3) of that Act with respect to the alien would not aggravate the physical or psychological effects of torture upon the alien.

''(II) DELAY OF PROCEEDINGS.—With the consent of the alien, an asylum officer or immigration judge shall postpone an asylum interview or a removal proceeding for any alien who presents a claim of having been subjected to torture, if the evidence indicates that, as a result of the alien's mental or physical symptoms resulting from torture, including the alien's inability to recall or relate the events of the torture, the alien will require more time to recover or be treated before being required to testify.''

(e) PAROLE IN LIEU OF DETENTION.—The finding that an alien is a person described in subsection (a) shall be a strong presumptive basis for a grant of parole, under section 212(d)(5) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(5)), in lieu of detention.

(f) EXEMPTION FROM EXPEDITED REMOVAL.—Section 235(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)(F)) is amended by inserting before the period at the end the following: '', or to an alien described in section 5(a) of the Torture Victims Relief Act''.

(g) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General should allocate resources sufficient to maintain in the Resource Information Center of the Immigration and Naturalization Service current information relating to the use of torture in foreign countries.

SEC. 6. SPECIALIZED TRAINING FOR CONSULAR, IMMIGRATION, AND ASYLUM PERSONNEL.

(a) IN GENERAL.—The Attorney General shall provide training for immigration inspectors and examiners, immigration officers, asylum officers, immigration judges, and all other relevant officials of the Department of Justice, and the Secretary of State shall provide training for consular officers, with respect to—

(1) the identification of torture;

(2) the identification of the surrounding circumstances in which torture is most often practiced;

(3) the long-term effects of torture upon a victim;

(4) the identification of the physical, cognitive, and emotional effects of torture, and the manner in which these effects can affect the interview or hearing process; and

(5) the manner of interviewing victims of torture so as not to retraumatize them, eliciting the necessary information to document the torture experience, and understanding the difficulties victims often have in recounting their torture experience.

(b) GENDER-RELATED CONSIDERATIONS.—In conducting training under subsection (a) (4) or (5), gender-specific training shall be provided on the subject of interacting with women and men who are victims of torture by rape or any other form of sexual violence.

SEC. 7. DOMESTIC TREATMENT CENTERS.

(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 412 of the Immigration and Nationality Act (8 U.S.C. 1522) is amended by adding at the end the following new subsection:

''(b) ASSISTANCE FOR TREATMENT OF TORTURE VICTIMS.—The Secretary may provide grants to programs in the United States to cover the cost of the following services:

''(1) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

''(2) Social and legal services for victims of torture.

''(3) Research and training for health care providers outside of treatment centers, or programs for the purpose of enabling such providers to provide the services described in paragraph (1).''.

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal years 1999, 2000, and 2001, but not from funds made available to the Office of Refugee Resettlement, there are authorized to be appropriated to carry out section 412(g) of that Act (relating to assistance for domestic centers and programs for the treatment of victims of torture), as added by subsection (a), the following amounts for the following fiscal years:

(A) For fiscal year 1999, $5,000,000.

(B) For fiscal year 2000, $7,500,000.

(C) For fiscal year 2001, $9,000,000.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998.

SEC. 8. FOREIGN TREATMENT CENTERS.

(a) AMENDMENTS OF THE FOREIGN ASSISTANCE ACT OF 1961.—Part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) is amended by adding at the end of chapter 1 the following new section:

''SEC. 129. ASSISTANCE FOR VICTIMS OF TORTURE.

''(a) IN GENERAL.—The President is authorized to provide assistance for the rehabilitation of victims of torture.

''(b) ELIGIBILITY FOR GRANTS.—Such assistance shall be provided in the form of grants to treatment centers and programs in foreign countries that are carrying out projects or activities specifically designed to treat victims of torture for the physical and psychological effects of the torture.

''(c) USE OF FUNDS.—Such assistance shall be available—

''(1) for direct services to victims of torture; and

''(2) to provide research and training to health care providers outside of treatment centers or programs described in subsection (b), for the purpose of enabling such providers to provide the services described in paragraph (1).''.

(b) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated for fiscal years 1999, 2000, and 2001 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the President $5,000,000 for fiscal year 1999, $7,500,000 for fiscal year 2000, and $9,000,000 for fiscal year 2001 to carry out section 129 of the Foreign Assistance Act, as added by subsection (a).

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1998.

SEC. 9. MULTILATERAL ASSISTANCE.

(a) FUNDING.—Of the amounts authorized to be appropriated for fiscal years 1999, 2000, and 2001 pursuant to chapter 1 of part I of the Foreign Assistance Act of 1961, there are authorized to be appropriated to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the ''Fund'') the following amounts for the following fiscal years:

(1) FISCAL YEAR 1999.—For fiscal year 1999, $3,000,000.

(2) FISCAL YEAR 2000.—For fiscal year 2000, $3,000,000.

(3) FISCAL YEAR 2001.—For fiscal year 2001, $3,000,000.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) request the Fund—

(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

(B) to encourage the development of new such centers and programs;

(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

PARTIAL LIST OF ORGANIZATIONS SUPPORTING THE TORTURE VICTIMS RELIEF ACT

Advocates for Survivors of Trauma and Torture, Baltimore, MD.

American-Arab Anti-Discrimination Committee.

American Civil Liberties Union.

American Immigration Lawyers Association.

American Kurdish Information Network (AKIN).

American Psychiatric Association.

American Psychological Association.

Amnesty International U.S.A.

Asia Pacific Center for Justice and Peace.

Center for Reproductive Law and Policy.

Center for Victims of Torture.

Church in America.

Church World Services Immigration and Refugee Program.

Coalition Missing.

Episcopal Church People for a Free Southern Africa.

Guatemala Human Rights Commission/U.S.A.

Human Rights Access.

Human Rights Advocates.

Human Rights Watch.

Institute for Study of Genocide.

Institute for the Study of Psycho-Social Trauma.

International Campaign for Tibet.

International Human Rights Law Group.

Khmer Health Advocates, West Hartford, CT.

Lutheran Immigration and Refugee Service.

Lutheran Office for Governmental Affairs, Evangelical Lutheran.

Marjorie Kovler Center for the Treatment of Survivors of Torture.

Maryknoll Justice and Peace.
Mental Disability Rights International.
Midwest Coalition on Human Rights.
National Spiritual Assembly of the Baha'is of the U.S.
People's Decade of Human Rights Education.
Physicians for Human Rights.
Robert F. Kennedy Memorial Center for Human Rights.
Rocky Mountain Survivors Center, Denver, CO.
Travelers Aid of New York.
Ursuline Sisters of Mt. St. Joseph.
United Church Board for World Ministries.
United Methodist General Board of Church and Society.
Washington Kurdish Institute.
Washington Office on Latin America.
World Organization Against Torture U.S.A.
World Sindhi Institute.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. MCCAIN, Mr. HOLLINGS, Mr. BURNS, and Mr. KERRY):

S. 1609. A bill to amend the High-Performance Computing Act of 1991 to authorize appropriations for fiscal years 1999 and 2000 for the Next Generation Internet program, to require the Advisory committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet to monitor and give advice concerning the development and implementation of the Next Generation Internet program and report to the President and the Congress in its activities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NEXT GENERATION INTERNET RESEARCH ACT OF 1998

Mr. FRIST. Mr. President, advances in computer networking have led to some of the most significant developments of the last decade. We have all been touched one way or another by the Internet and the networking protocols that form the World Wide Web. Its presence is being felt in schools, businesses and homes across the country. Many people already come to rely on the Internet as their source for news and information. Now, electronic commerce is beginning to emerge as a significant source of network traffic, so it appears that more individuals are relying on the Internet for purchases as well.

By any measure, the Internet is a success. It is a fast-paced living laboratory where every day brings new innovation and applications. The Internet's culture of rapid innovation stems from its days as a research vehicle sponsored by the Defense Advanced Projects Research Agency (DARPA). This original federal investment in university based research and development has grown to pay dividends to our country in the form of new technology, new jobs and economic growth. The Internet has also served as a case study in the proper role of the federal government in science and technology. Although the research was first sponsored by the Department of Defense, multiple agencies have come to play a significant role in the development and commercialization of the Internet. In particular, the National Science Foundation demonstrated how to successfully transition the management of an operational system, the Internet, from the public to the private sector.

Today's Internet is a flexible, robust network, but already some of its limits have been reached. There are fascinating applications running in the laboratory that simply cannot be run on the Internet as it is today. Recently, I had a first hand look at a prime example: the virtual reality ''Immersion Desk'' collaboration. As a physician, I found it fascinating to take a guided tour of a human ear, seeing its structure in three dimensions, and able to interact with the guide and the structure in real time. It was immediately obvious to me the educational benefits that will come from putting similar devices in the hands of our nation's teachers and students. However, until the Internet's infrastructure limitations have been overcome, these applications will remain outside the reach of those who can benefit the most.

Some of the limits that now impede advanced applications can be overcome through a straightforward application of existing technology, but there is an entire class of problems that requires new approaches. I believe that our nation's research and development enterprise holds the key. That is why I rise today to offer the ''Next Generation Internet Research Act of 1998.'' This legislation funds the agencies that are involved in creating advanced computer networking technology that will make tomorrow's Internet faster, more versatile, more affordable, and more accessible than today. The agencies funded by this legislation: The Department of Defense (DOD), the National Science Foundation (NSF), the Department of Energy (DoE), the National Aeronautics and Space Administration (NASA), and the National Institute of Standards and Technology (NIST), each have a role to play in moving forward the state of the art in computer networking and network applications. The NGI program will provide grants to our universities and national laboratories to perform the research that will surmount these technical challenges and create a network that is 100 to 1000 times faster than the current Internet.

Today, many that are located in rural areas of the country such as portions of eastern Tennessee, find that high speed access to the Internet is too expensive and difficult to obtain. Researchers from select states enjoy access to high bandwidth Internet connections at costs that are sometimes one-eighth the rate of their rural colleagues. This legislation acknowledges this geographical penalty and encourages networking researchers to look at this problem as a research challenge. Emphasis must be placed on finding new technology that permits high speed information access without leaving large sections of the country behind.

Mr. President, I believe that the passage of this legislation will continue the tradition of prudent and successful federal investment in science and technology. The Internet truly is a success story. One that could not have been written without federal support. One that has already paid for itself through the creation of jobs and technology for Americans. The last chapter of the Internet success story is far from being written, and with this legislation, we are helping to ensure that the Internet will reach its potential to provide greater educational and economic benefits to the country. I ask for support in passing this key legislative initiative.

I ask unanimous consent that the full text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Next Generation Internet Research Act of 1998''.

SEC. 2. DEFINITIONS.

(a) TERMS USED IN THIS ACT—For purposes of this Act—

(1) INTERNET.—The term ''Internet'' has the meaning given such term by section 230(e)(1) of the Communications Act of 1934 (47 U.S.C. 230(e)(1)).

(2) GEOGRAPHIC PENALTY.—The term ''geographic penalty'' means the imposition of costs on users of the Internet in rural or other locations attributable to the distance of the user from network facilities, the low population density of the area in which the user is located, or other factors, that are disproportionately greater than the costs imposed on users in locations closer to such facilities or on users in locations with significantly greater population density.

(b) DEFINITION OF NETWORK IN HIGH-PERFORMANCE COMPUTING ACT OF 1991.—Paragraph (4) of section 4 of the High-Performance Computing Act of 1991 (15 U.S.C. 5503) is amended by striking ''network referred to as the National Research and Education Network established under section 102; and'' and inserting ''network, including advanced computer networks of Federal agencies and departments; and''.

SEC. 3. FINDINGS.

(a) IN GENERAL.—The Congress finds that—

(1) United States leadership in science and technology has been vital to the Nation's prosperity, national and economic security, and international competitiveness, and there is every reason to believe that maintaining this tradition will lead to long-term continuation of United States strategic advantages in information technology;

(2) the United States' investment in science and technology has yielded a scientific and engineering enterprise without peer, and that Federal investment in research is critical to the maintenance of United States leadership;

(3) previous Federal investment in computer networking technology and related fields has resulted in the creation of new industries and new jobs in the United States;

(4) the Internet is playing an increasingly important role in keeping citizens informed of the actions of their government; and

(5) continued inter-agency cooperation is necessary to avoid wasteful duplication in

Federal networking research and development programs.

(b) ADDITIONAL FINDINGS FOR THE 1991 ACT.—Section 2 of the High-Performance Computing Act of 1991 (15 U.S.C. 5501) is amended by—

(1) striking paragraph (4) and inserting the following:

''(4) A high-capacity, flexible, high-speed national research and education computer network is needed to provide researchers and educators with access to computational and information resources, act as a test bed for further research and development for high-capacity and high-speed computer networks, and provide researchers the necessary vehicle for continued network technology improvement through research.''; and

(2) adding at the end thereof the following:

''(7) Additional research must be undertaken to lay the foundation for the development of new applications that can result in economic growth, improved health care, and improved educational opportunities.

''(8) Research in new networking technologies holds the promise of easing the economic burdens of information access disproportionately borne by rural users of the Internet.

''(9) Information security is an important part of computing, information, and communications systems and applications, and research into security architectures is a critical aspect of computing, information, and communications research programs.''.

SEC. 4. PURPOSES.

(a) IN GENERAL.—The purposes of this Act are—

(1) to served as the first authorization in a series of computing, information, and communication technology initiatives outlined in the High-Performance Computing Act of 1991 (15 U.S.C. 5501 et seq.) that will include research programs related to—

(A) high-end computing and computation;

(B) human-centered systems;

(C) high confidence systems; and

(D) education, training, and human resources; and

(2) to provide for the development and coordination of a comprehensive and integrated United States research program which will—

(A) focus on the research and development of a coordinated set of technologies that seeks to create a network infrastructure that can support greater speed, robustness, and flexibility than is currently available and promote connectivity and interoperability among advanced computer networks of Federal agencies and departments;

(B) focus on research in technology that may result in high-speed data access for users that is both economically viable and does not impose a geographic penalty; and

(C) encourage researchers to pursue approaches to networking technology that lead to maximally flexible and extensible solutions wherever feasible.

(b) MODIFICATION OF PURPOSES OF THE 1991 ACT.—Section 3 of the High-Performance Computing Act of 1991 (15 U.S.C. 5502) is amended by—

(1) striking the section caption and inserting the following:

''SEC. 3. PURPOSES.'';

(2) striking ''purpose of this Act is'' and inserting ''purposes of this Act are'';

(3) striking ''universities; and'' in paragraph (1)(I) and inserting ''universities;'';

(4) striking ''efforts.'' in paragraph (2) and inserting ''network research and development programs;''; and

(5) adding at the end thereof the following:

''(3) promoting the further development of an information infrastructure of information stores, services, access mechanisms, and research facilities available for use through the Internet;

''(4) promoting the more rapid development and wider distribution of networking management and development tools; and

''(5) promoting the rapid adoption of open network standards.''.

SEC. 5. DUTIES OF ADVISORY COMMITTEE.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.) is amended by adding at the end thereof the following:

''SEC. 103. ADVISORY COMMITTEE.

''(a) IN GENERAL.—In addition to its functions under Executive Order 13035 (62 F.R. 7231), the Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet, established by Executive Order No. 13035 of February 11, 1997 (62 F.R. 7231) shall—

''(1) assess the extent to which the Next Generation Internet Program—

''(A) carries out the purposes of this Act;

''(B) addresses concerns relating to, among other matters—

''(i) geographic penalties (as defined in section 2(2) of the Next Generation Internet Research Act of 1998); and

''(ii) technology transfer to and from the private sector; and

''(2) assess the extent to which—

''(A) the role of each Federal agency and department involved in implementing the Next Generation Internet program is clear, complementary to and non-duplicative of the roles of other participating agencies and departments; and

''(B) each such agency and department concurs with the role of each other participating agency or department.

''(b) REPORTS.—The Advisory Committee shall assess implementation of the next Generation Internet initiative and report, not less frequently than annually, to the President, the United States Senate Committee on Commerce, Science, and Transportation, and the United States House of Representatives Committee on Science on its findings for the preceding fiscal year. The first such report shall be submitted 6 months after the date of enactment of the Next Generation Internet Research Act of 1998 the last report shall be submitted by September 30, 2000.''.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

Title I of the High-Performance Computing Act of 1991 (15 U.S.C. 5511 et seq.), as amended by section 5 of this Act, is amended by adding at the end thereof the following:

''SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated for the purpose of carrying out the Next Generation Internet program the following amounts:

''Agency	FY 1999	FY 2000
''Department of Defense	$42,500,000	$45,000,000
''Department of Energy	$20,000,000	$25,000,000
''National Science Foundation	$25,000,000	$25,000,000
''National Institutes of Health	$5,000,000	$7,500,000
''National Aeronautics and Space Administration	$5,000,000	$5,000,000
''National Institute of Standards and Technology	$5,000,000	$7,500,000''.

Mr. ROCKEFELLER. Mr. President, I rise today to join my colleague Senator FRIST in introducing legislation to authorize the Next Generation Internet (NGI) Program for fiscal years 1999 and 2000. This bill funds the NGI program, which actually involves six agencies, at $102.5 million for FY99 and $115 million for FY2000. It would also require the Advisory Committee on High Performance Computing and Communication Information Technology and Next Generation Internet to oversee the program and report to the President and the Congress on its activities.

As everyone in the Senate knows, I have been a long and ardent supporter of the Internet and Internet-related research. In fact, I would point to the current Internet as an example of what the government can do right. When the Internet was started, it was a government funded network for researchers and military personnel. It was expected to grow, but not into the commercially supported network with a $250 billion market base that it is today, and it is still growing. This rate of return on a rather modest government investment is something that any investment banker would love to achieve. An added benefit is that this modest government investment has allowed U.S. industry to become the world leader in most Internet-related markets.

I also want to commend the Clinton Administration for their steadfast commitment to a clearly needed leadership role in charting the future of the Internet, and yet in also working closely with the affected industries, the academic community, and many others whose contributions to future applications and possibilities are almost endless. I am pleased to now work with Senator FRIST, the dedicated chairman of the Senate's Commerce Subcommittee on Science, Technology, and Space, to provide a further foundation for this important work through this legislation.

The current Internet is a victim of its own success. As more and more people come on-line, the network gets more and more crowded. People are beginning to think that the ''www'' in Internet addresses stands for ''world-wide wait'' rather than ''world-wide web''. Therefore, I fully support the idea of increasing the speed, reliability and usefulness of the Internet. With increases in speed and efficiency of data transfer, hopes of distance learning with real-time video and audio, remote access image libraries, and more use of telemedicine, will become practical realities. In addition, with increases in bandwidth, I am sure that U.S. researchers will come up with new applications that we cannot even think of today.

Do not think that it is a coincidence that all the applications I just listed have to do with remote access to data. The ability to give those that do not have easy physical access quick and reliable electronic access to resources is, I feel, one of the Internet's greatest benefits to society. As history has shown us, it would be extremely easy for a situation to arise in which there are states with NGI capabilities and states without, if there is not balanced representation in the decision-making process. Due to the increased computing power and ability to collaborate with other NGI network institutions,

NGI states could have a large advantage over non-NGI states when applying for grants and participation. With this in mind, I am glad to point out that this bill formally addresses geographic concerns for rural institutions and users.

As I stated earlier, I have always been a firm supporter of the Internet, and will continue to support research in this area. This bill authorizes an innovative inter-agency program to increase the speed, reliability and usefulness of the Internet. I encourage my colleagues to support this bill.

By Mr. DODD (for himself, Mr. DASCHLE, Mr. KENNEDY, Mr. INOUYE, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. KERREY, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEVIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. WELLSTONE, Mr. BUMPERS, Mrs. BOXER, AND Mr. KERRY):

S. 1610. A bill to increase the availability, affordability, and quality of child care; to the Committee on Finance.

THE CHILD CARE A.C.C.E.S.S. ACT

Mr. DODD. Madam President, the bill I send to the desk I send on behalf of myself and 24 of my colleagues whose names are included on the introduction of the legislation. The bill I have sent to the desk is called the Child Care and ACCESS bill, ''ACCESS'' standing for Affordable Child Care for Early Success and Security. As I said, I am pleased to be joined by 24 of my colleagues. There may be others in the coming days who care to join us in presenting what we believe is a comprehensive approach to dealing with an issue that I think all Americans—certainly I hope all in this Chamber—will recognize as a crisis: That is the crisis of child care.

Almost on a daily basis, we read stories of children in child care settings who are left alone and then are discovered either with serious injury or worse. Many of them are left in certified and accredited child care centers. These stories highlight the critical importance of this issue. This is an issue that now affects 13 million children, the overwhelming majority of whom come from families where there is either a single parent or both parents must work in order to provide for the basic needs of their families.

We have often felt in this country that we should not ask parents to make a choice between the job they need and the children they love, so child care has become a necessity. The question now is can we make it affordable for families? At a cost of $4,000 to $10,000 a year per child, is care accessible for parents who need it? Is the care they find going to be in a quality setting, where a child is safe? If the provider is a qualified parent, obviously her or she can provide for the needs of the child. But in this country, we know that too often qualified parents, in order to provide for the economic needs of their family, must provide a child care setting for their children.

There's the issue of after-school care. 5 million children are home alone in this country. Any chief of police in this Nation will tell you that the most dangerous time for these children is not after 11 p.m. at night when many of the curfews are invoked, but rather between 3 and 8 o'clock, in the afternoon, when children are unsupervised. We don't have after-school programs for these kids where they can either stay in school or be involved in a worthwhile outside academic experience. So, there is a need here.

When we discuss child care, we must also consider recent findings concerning early child development. We know how important these first 36 months of a person's life are, about the development of synapses that occur, about the nurturing that must go on in those years. We must make sure that parents can find quality care where there children will be intellectually stimulated, not simply warehoused.

What we are doing today is presenting a piece of legislation which tries to deal in a comprehensive way with this issue of child care. This bill recognizes the needs of parents, working parents, middle-income families, those who are striving to achieve a middle-income status, poorer families in this country, providers who want to provide good child care but don't have the resources to do so, businesses that want to help their employees either by providing a child care setting, and businesses that want to assist their employees with help in attaining child care support.

This legislation also includes an expansion of the Family and Medical Leave Act, a piece of legislation that was signed into law 5 years ago tomorrow. It has already benefited literally thousands and thousands of families across this country.

Today as part of this legislation we are calling for an expansion of the Family and Medical Leave Act by lowering the threshold from 50 employees to 25. We think by including 13 million more Americans who, when faced with the crisis of choosing between their children and their jobs, ought not to be asked to make that choice.

So this legislation includes an expansion of the Family and Medical Leave Act.

At any rate, the challenge before us is certainly a significant one, and that is to create a child care system that works for America's families. As I said, for far too many families today when it comes to child care, they either have no choices or very bad choices. Here are some of the appalling statistics. They are incontrovertible, undeniable.

Child care quality: Only one in seven child care centers provides care that promotes healthy development; child care at one in eight centers actually threatens children's health and safety.

Infants and toddlers, our youngest and most vulnerable children, fare the worst. Almost half of infant and toddler care in our country endangers the health and safety of those who are in those centers.

No State in this Nation has child care regulations in place that can be characterized as good quality standards. Two-thirds of the States have regulations that don't even address the basics—care giver training, safe environments, appropriate provider-child ratios.

Even though we know that well-paid, educated and trained providers make a difference between poor and good quality child care, we pay caregivers in this country—almost all of them women—abysmally, some of them at well below the poverty levels, even though they're caring for our most precious possessions.

As someone said not too long ago, children represent 27 percent of America's population, but they represent 100 percent of our future. These are the children that will be asked to be good employees, good employers, good citizens, and good parents, making a contribution to this Nation in the 21st century.

Yet, for the 13 million children who are in child care environments today, the results are not good at all. We can either recognize that in this country and try and do something about it, or we can sit back and allow our system to continue to deteriorate and then face the judgment of history as to why we didn't stand up and try and put up some of the resources that we have to help these families.

How does a family making $20,000 or $25,000 or $30,000 a year, with 2 or 3 children, afford care at $7, $8, $9, $10 thousand per year per child. The cost of some child care settings is in excess of some universities.

Child care providers and centers workers average only $12,000 a year in pay, Madam President. That is just at the poverty level for a family of three. Home based providers average $9,000 a year. That is their income.

Those are the people we are asking to provide for our children, making several thousand dollars below the poverty level.

These numbers and statistics, by the way, come from national surveys and studies done by child care centers around the Nation. As I mentioned earlier, full day child care costs run from $4,000 to $10,000 per child. Because of a lack of funding, only an estimated one out of 10 eligible families actually received help in paying for care through the child care block grants which Senator HATCH and I authored eight years ago in this very Chamber.

Good quality child care does cost more than mediocre quality, but not a lot more. An investment of only an additional 10 percent has a significant, positive impact on quality.

And many types of child care remain unavailable at any cost, Madam President. Many new parents are dismayed

to learn that care for infants is virtually nonexistent, and the problem is only getting worse. The General Accounting Office estimates that by the time the 50-percent work participation goal is reached in 2002, 88 percent of infants needing child care will not be able to find it. This corresponds to 24,000 young children in Chicago alone without child care.

Let me repeat that. The General Accounting Office, not a partisan organization, estimates that by the time we reach the 50-percent work requirement in 2002, 4 years from now, 88 percent of infants in this country that need child care—we are not talking about choices now, it is not a question that someone is in an income category where they have a choice as to whether or not they are going to put a child in child care or stay home. We are talking about people who absolutely have to have child care. Eighty-eight percent of them will not be able to find it.

We cannot let that happen, and this ought not to be a partisan debate about whether or not we see the facts. We know what is going to occur. Do we stand up and try and address it?

In addition, there is a glaring lack of after-school programs. As I mentioned earlier, 5 million children are home alone. Eighth graders left home alone after school reported a greater use of cigarettes, alcohol, marijuana, the gateway drugs, than those who are in adult-supervised settings.

The challenge, again, facing us is a straightforward one: to find a way to support families in the choices about how their children are cared for. I know that some will argue that child care is a private problem, one that families should be left to solve on their own. However, we don't expect families to shoulder the financial costs of educating their children alone. We provide public schools. We don't expect families to shoulder the burden of providing health care for their children alone. The vast majority of families have that cost subsidized through their employers. And as a nation, we have an interest in well-educated and healthy children, and so we accept that the Federal Government, States and employers play a role in getting us to these laudable goals of public education and health.

Yet, when it comes to child care, we set families adrift. We tell them that it is a private problem, you have to solve it alone. The result is a system in which parents have less, not more, choices. The result is a nation in which child care is too often unaffordable, unavailable and unsafe. I believe that it is a compelling national interest in making sure that our children are safe and well cared for.

I rise today to offer this plan that I have sent to the desk that will broadly improve the ability of families to make the right choice when it comes to their children's care. Twenty-four of my colleagues and myself—25 of us—have offered this bill. There are several main parts in our initiative. Let me touch on them briefly.

One, improving the affordability of child care. Our legislation would provide an additional $7.5 billion over 5 years through the child care and development block grant, that I mentioned that Senator HATCH and I authored some eight years ago, to increase the amount of child care subsidies available to working families. This investment will double the number of children served by the block grant to 2 million by the year 2003.

Secondly, we enhance the quality of child care in early childhood development. This legislation will provide some $3 billion over 5 years to encourage States to invest in activities known to produce significant improvements in the quality of child care. For example, we help the States with this $3 billion to bring provider-child ratios to nationally recommended levels.

Again, I think most people understand this. Even if you have a well-trained adult, if they have too many children they are watching over, it doesn't work well. So we get to these ratios that those who understand this issue think are acceptable. With smaller infants, it is a very small ratio. As the children get a little older, the ratios can be a little broader.

We improve the enforcement of quality standards by conducting unannounced inspections.

Let me, as an aside, say that we had the head of the Defense Department's child care program testify the other day before a group of us. This is the best child care program in the world, by the way. Our Armed Forces serve 200,000 children all over the world everyday.

The Defense Department would be the first to tell you not too many years ago they had the most dreadful system which was the subject of severe criticism as a result of national reports that were done on them. They have turned this around and, as I said, have now set up one of the best systems, if not the best system certainly, in this country if not in the world.

One of the things they do is they have unannounced inspections of child care centers on military bases. Just recently, I went to the child care facility at the submarine base in Groton, CT. Really, they are doing a magnificent job—the providers, the staff, the children. This is a great sense of pride for our military personnel, our men and women, who must by necessity have child care.

In the case of submariners, the men are off on submarines for weeks and weeks on end. Their spouses, if they are married with families, are working to supplement their incomes, and they need child care. To the Defense Department's great credit, they put in place a great system. Unannounced inspections make a difference.

Conducting background checks on child care providers. Today, it is hardly done at all. Someone can move from State to State, get a job and then we find out there is a long record of abuse and other problems, and that goes on every day.

Improve the compensation, education, and training of child care providers. I have already shared the statistics on what the average salaries are, $12,000 and $9,000. We pay parking attendants in this country higher salaries than we do people who take care of America's children. Your car is more likely to have someone with a better salary watching over it than your child. That is unacceptable, or should be, to all of us in this country.

Educating parents on how to find good quality child care and ensuring that high quality care is available to children with disabilities.

Those are some of the ways in which we try to help our States in this bill.

Thirdly, we increase the availability and quality of school-age child care. This initiative will provide $3 billion over 5 years to increase the supply and quantity of school-age care through child care development block grants. In addition, we incorporate the model developed by Senator BOXER which ensures that schools play a central role in these efforts by providing the 21st century community learning centers with $1 billion over 5 years to create before- and after-school programs.

Again, as an aside, I think all of us would agree, I hope, that our taxpayers build wonderful schools around our country, marvelous facilities. In many instances, they open at 8 or 9 in the morning, but then close in the afternoon, and are not open in the evening, weekends, vacations, summer months. We want to see the school buildings get more community use for children in after-school programs, adult education, summer programs, when kids are out of school. There ought to be ways in which we incorporate the use of these facilities to a larger extent than we have been able to.

Fourthly, we expand the dependent care credit. This initiative would also expand the existing dependent care tax credit by nearly $8 billion over 5 years, following the model of Senator HARKIN's earlier child care bill.

We would adjust the sliding scale to increase the credit for families earning under $60,000 and index the credit for inflation to keep pace with the rising child care costs.

We would also make the credit refundable so that families with little or no tax liability, those making under $30,000 a year, can receive assistance with child care expenses. I hope that this will not be a matter that ends up being a significant debate. On refundability, again, when people have incomes under $30,000, they don't pay Federal taxes or very few taxes, and if we don't make this refundable, then they are not going to get the benefit. It is to people at that income level struggling to make ends meet, it seems to me, that refundability is absolutely critical if they are going to get help.

No. 5, supporting family choices in child care. Our legislation would also provide new support for families who make the difficult choice to forgo a second income or career and to stay at home to care for their children. We would allow stay-at-home parents with children under the age of 1 to claim a portion of the dependent care credit. This credit would also be made refundable to allow stay-at-home parents earning under $30,000 to benefit, and it is phased out for families earning over $70,000.

There is a bill that has been introduced by our colleague from Rhode Island, Senator CHAFEE. The Presiding Officer may, in fact, be a cosponsor of that bill. I know we have worked together on these issues. There is a difference here because the proposal being offered, I believe, by Senator CHAFEE treats parents who stay at home exactly the same way we treat parents who can't stay at home.

In our bill, we do it a bit differently. I am very sympathetic of providing some help to parents who can make the choice, but if we provided it on a totally equal basis, it just becomes far too expensive. What we have done here is said, look, we are going to provide this assistance to you in the first year of that child's life. That cuts the cost by two-thirds. The reason I say that is because there are people out here who have no choice. I want to make this case. It is one thing to have the choice, that is a wonderful luxury, but for the overwhelming majority of the 13 million children who are in child care centers, their parents don't have the choice, they have to be there.

It is not a question of ''I would like to stay home, I have another spouse that is earning enough.'' It is not a question of ''I want to go play golf or go to the club and play cards.'' These are people trying very hard on their own or with their spouse to hold their families together. So the choice doesn't exist for them.

So it is not exactly equal in that sense. But I do think we should try to recognize and offer help where they do have stay-at-home parents, particularly for that first year. So we do provide that provision in our bill. I think it is a worthwhile one. I am hopeful we can reach some common ground.

Madam President, we also expand the Family and Medical Leave Act, which I have already mentioned at the outset of my remarks. I invite my colleagues to go to a children's hospital in your State. Go to the waiting room in those hospitals. You will meet the parents who need protection under Family and Medical Leave. They will tell you about the difficulties. They will tell you, if they work for someone who employs 25 to 50 people, how difficult it is. There's the problems with health care, the insurance benefits.

You go out to NIH here. Go to the Ronald McDonald House. Talk to parents who have children with extended illness problems where they can't stay at home, and they have to travel and be with their children. Talk to C. Everett Koop, a pediatrician. He will tell you about a child's recovery rate when they are with a parent, with a loved one who is with them.

This ought not to be a controversial item, Madam President, to provide family and medical leave for working families, to be with their parents, to be with their children during a time of crisis. I just do not understand when people raise the kind of objections to trying to help out people in that situation. It ought to be a sense of national mortification that every other nation you can name provides a family and medical leave process.

I can count colleague after colleague in this Chamber who had a problem with their children, had a problem with their parents, missed votes, did not go to committee hearings, and in fact had they been here and not been with their family they probably would have been subjected to political attack, that their priorities were wrong, that they were down here voting when they should have been with their children or parents at a time of illness.

If we believe that to be the case among ourselves, is it asking too much to say, too, to parents who work outside of public life, that when they are faced with that crisis, that they ought not to have to choose between their job and their families?

So I hope we can expand this benefit to the 13 million working people in this country who do not have the luxury of the Family and Medical Leave Act that others have enjoyed for the past 5 years.

Madam President, No. 6, we encourage private sector involvement, which is a very important element in all of this. Child care cannot be the sole responsibility of Government, State, local or Federal. So our legislation will create a new discretionary program of competitive challenge grants in which communities that generate funds from the private sector would be eligible for matched Federal grants to improve the availability and quality of child care on a communitywide basis.

This program would be authorized at $1 billion over 5 years. Based on the legislation of the Senator from Wisconsin, Senator KOHL, which was approved, I might add, by the full Senate during the budget reconciliation bill of last year but dropped in conference, we would provide a new tax incentive to open high-quality, on-site child care centers or to assist employees in finding and paying for child care offsite.

Many businesses, Madam President, understand what their employees are going through, and they want to help. But they are not affluent businesses. If they could get a little bit of help on paying their Federal taxes by providing onsite child care or assisting their employees, I think we would do a lot to expand the availability and the quality of child care. So we offer that to employers.

Seventh, Madam President, we ensure the quality of Federal child care facilities. We would also ensure that the Federal Government would lead by example in providing its workers only the highest quality of child care. Many people would be surprised, I think, to hear that currently Federal child care facilities are exempt from State quality regulations. In this bill we require that all Federal child care centers meet all State licensing standards.

Madam President, this is a comprehensive package. I have run down through the major provisions in a brief way. It is a long bill. It covers a lot of territory, a lot of ground. But it is a bold agenda, I think one that people of common purpose can come to. As the Presiding Officer and I see my colleague from Vermont, the chairman of the Labor and Human Resources Committee, who is on the floor here, back in October, November we convened a group of us here, Democrats and Republicans, to try to fashion a compromise bill. We spent long hours, I know our staffs did, in trying to hammer out a bill that we could have presented to the full Chamber here in January. That was my hope. I know it was the hope of the Senator from Vermont and the Senator from Maine.

Well, that did not happen. I am not going to spend time here on why things didn't happen. There are various elements. But a new bill was introduced by Senator CHAFEE. I do not agree with all of it. There are parts I do agree with. In fact, there are parts that are exactly alike in both of these bills.

I urge the leadership, the distinguished majority leader, Senator LOTT, the distinguished Democratic leader, the minority leader, Senator DASCHLE, who is a cosponsor, I might add, of this bill, that we try to set some time aside for this issue if we are only in session for 70 days, 100 days out of the 300 days left in this calendar year—at least that is what we have been told. I realize this is a big bill. It is not small. It is a lot of money over 5 years. A lot of ideas need to be thought out carefully. But we ought to be getting about the business, Madam President, of doing just that. This issue becomes more of a crisis and more of a problem and arguably more costly the longer we wait to address it.

To the President's great credit, he identified this issue during his State of the Union Message—after school care, affecting millions of working families, early childhood development, that zero to 3 range, the brain studies that all of us are now very familiar with, the infant care, the provider assistance, the family assistance through the credits, the Family and Medical Leave Act. We ought to get about the business of trying to get a bipartisan bill that all of us can claim credit for. So we can say to the American public in 1998, ''We heard your concerns. We recognize the problems coming down the road. We stepped up to the plate. We resolved our differences, and we presented you with our best efforts in this regard.''

My sincere hope, Madam President, is that is what exactly will happen in these coming days. As I said, it is a bold agenda. It is comprehensive. And we must try to work together if we are going to succeed in that regard.

Madam President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF DODD CHILD CARE BILL: THE CHILD CARE A.C.C.E.S.S. ACT

(Affordable Child Care for Early Success and Security)

IMPROVING THE AFFORDABILITY OF CHILD CARE

Provide an additional $7.5 billion/5 years through the Child Care and Development Block Grant to increase the amount of child care subsidies available to working families. This investment will double the number of children served by the block grant to 2 million by 2003.

ENHANCING THE QUALITY OF CHILD CARE AND EARLY CHILDHOOD DEVELOPMENT

Provide $3 billion/5 years to encourage states to invest in activities known to produce significant improvements in the quality of child care and early childhood development, for example: bring provider-child ratios to nationally recommended levels; improving the enforcement of licensing standards, through unannounced inspections; conducting background checks on child care providers; improving the compensation, education and training of child care providers; educating parents on the availability and quality of child care; creating support networks for family child care providers; establishing links between child care and health care services; and ensuring the availability and quality of child care for children with special health care needs.

INCREASING THE AVAILABILITY AND QUALITY SCHOOL-AGE CHILD CARE

Provide $3 billion/5 years to increase the supply and quality of school-age care. Through the 21st Century Community Learning Centers, provide $1 billion/5 years to encourage schools to create before and after-school programs.

EXPANDING THE DEPENDENT CARE TAX CREDIT

Adjust the sliding scale to increase the credit for families earning under $60,000 and index the current expense limits for inflation to help the credit keep pace with rising child care costs. Make the credit refundable so that families with little or no tax liability (those making under $30,000) can receive assistance with child care expenses.

SUPPORTING FAMILY CHOICES IN CHILD CARE

Allow stay-at-home parents with children under the age of 1 to claim a portion of the department care tax credit. This credit would also be made refundable to allow families earning under $30,000 to benefit and is phased out for families earning over $70,000.

Expand the Family and Medical Leave Act to include businesses with 25–50 employees. This would protect an additional 13 million working Americans and their families and provide coverage for 71% of the private workforce (an additional 14%).

ENCOURAGING PRIVATE SECTOR INVOLVEMENT

Create a new discretionary program of competitive ''challenge grants'' in which communities who generate funds from the private sector would be eligible for matched federal grants to improve the availability and quality of child care on a community-wide basis. Authorize at $1 billion over 5 years.

Provide a 25% tax credit to employers ($500 million/5 years) for operating on-site child care centers, contracting for off-site child care, contributing to the costs of accreditation or operating resource and referral systems.

ENSURING THE QUALITY OF FEDERAL CHILD CARE FACILITIES

Require federal child career centers to meet all applicable state licensing standards.

Mr. KERREY. Mr. President, I am honored to be an original cosponsor of Senator DODD's important initiative to improve the affordability, availability and quality of child care in the United States. I believe that American families will welcome this legislation.

We all know that high quality, affordable child care is an important concern to working families. The number of working mothers with preschool-age children has increased five-fold since 1947. More than ten million children of working mothers are in child care—and this number will increase as our strong economy enables welfare parents to find jobs. Child care belongs on the top of the national agenda.

This legislation uses a number of strategies to improve child care for American families. Most families struggle to cope with the costs of child care. Under this legislation, low-income working families will benefit from increased subsidies for child care services through the Child Care and Development Block Grant. Families who have little or no tax liability will receive new assistance through refundability of the Dependent Care Tax Credit, while an adjusted sliding scale and indexed expense limits will enhance the tax credit for families with incomes below $60,000.

This legislation also provides funds for significant quality improvements. Through block grant funds, States will be encouraged to invest in meaningful strategies that improve quality of care and enhance early childhood development, such as lower provider-to-child ratios, new training and education opportunities for child care providers, higher wages for child care workers, and greater enforcement of state licensing standards. In addition, new funding for school-age child care will encourage schools to create before- and after-school programs.

Finally, Senator DODD has structured this legislation to encourage a significant private sector role in child care improvements. By expanding the Family and Medical Leave Act, establishing competitive ''challenge grants'' for community-based child care improvements, and developing a new tax credit for employers that provide child care opportunities to their employees, this legislation recognizes the important role that community organizations and private businesses have to play in meeting American families' child care needs.

I am pleased to support such an important investment in American families and America's children. We know how important a child's early years are to its later intellectual, emotional and physical development. All American families have great dreams for their children and seek the best care possible during these critical early years. And all families deserve a chance at the American dream. Through this legislation, Congress will be doing its part to help American families work towards a successful future.

Mr. BINGAMAN. Mr. President, I rise today to join in the introduction of the Child Care A.C.C.E.S.S. Act. The initiative is designed to improve access, quality and affordability of child care.

Access to child care is a necessity for all working parents. Nationwide, 55% of children under age six have both parents (if they live with two parents) or their single parent in the labor force. That figure rises to 61% of school age children who have both or their only parent in the labor force. In my home state of New Mexico, 54% of preschool and 63% of school age children have both or their only parent in the workforce.

Another way of thinking of the magnitude of the issue is to consider that more than half of all preschool children are away from their parents most of the day and two out of three school age children are likely to require child care before or after school. With the passage of the TANF legislation in 1997, a number of mothers will be entering the workforce for the first time and will require child care if they are to succeed in the job market.

Mr. President, while I may not agree with every portion of the bill, I believe that we need to improve child care access, quality, and affordability for our working families. I believe that this bill affords us the best approach to these child care issues and urge others to join in support of this initiative.

Access is a problem for many parents and expansion of the child care and development block grants is one step toward increasing the availability of child care programs. Accessibility grows even more complicated when we look at our rural areas of the country. Each community has unique circumstances to overcome, such as a lack of resources, programs, and transportation. Since the issues of availability and access are addressed in this initiative, I am hopeful that individual states will be able to address their most critical needs.

Yet, Mr. President, improving access without improving the quality of the child care is an empty gesture. Staff education and training are among the most critical elements in improving quality. Currently, many states do not require providers who care for children in their homes to have any training prior to serving children. I am told that 33 states allow teachers in child care centers to start work without prior training. This legislation includes incentives to encourage states to invest in activities that will enhance provider-child ratios, improve the enforcement of licensing standards, improve

the compensation of child care providers, and offer training and education to child care providers. It is essential that we have child care staff who are trained to provide the necessary care and then have salaries commensurate with their training to retain them in the field. It is a credit to those who have worked in crafting this bill that they have ensured that child care for children with special health care needs will be addressed as well.

My state currently has many families who cannot find the quality, affordable child care they need to ensure that their children are well cared for and safe. Currently, child care is unaffordable for many working families in New Mexico. Full day child care for one child can easily cost $4,000 to $10,000 per year, which is a lot of money in a state where the average per capita income is $18,803. This is beyond the reach of many families. These families simply cannot afford the cost of quality child care in addition to all of the other demands on their monthly budget. Increasing the Child Care and Development Block Grants will increase the amount of child care subsidies available to working families.

Finally, Mr. President, this bill addresses a critical area: the issue of after school care for school age children. Good after school options can help children and teens do well in school and stay out of trouble. It is estimated that nearly 5 million children are left unsupervised by an adult after school each week. Studies have shown that juvenile crime actually peaks between 3:00 p.m. and 7:00 p.m. when many children are unsupervised. Additionally, I am told that one study found that eighth graders left home alone after school reported greater use of cigarettes, alcohol, and marijuana than those who were in adult supervised settings. Our initiative will allow us to strengthen local resources and is designed to improve the quality of care in after school programs.

In closing, the legislation covers the full spectrum of child care from early childhood to adolescent after school needs. I look forward to participating in the debate on making child care affordable and accessible. I am hopeful that the Senate will move forward on these issues of utmost importance to our working families, parents and children alike.

Mr. HARKIN. Mr. President, I am pleased to join Senator DODD in sponsoring the Child Care ACCESS Act to improve the affordability, availability and quality of child care.

One of the major accomplishments of the last session was to help make college more affordable for working Americans. We passed bipartisan legislation to increase Pell Grants to the highest level in history and to provide tax credits for college expenses. As a result, more Americans will now be able to afford college.

We must now turn our attention, with the same firm resolve, to the education of our young children and making child care affordable, available and safe. This must be the top priority for this Congress.

The recent research on brain development has provided the importance of the first three years of a child's life. Early education opportunities are essential for the positive emotional, physical and social development of children.

Last year's appropriations bill included several important provisions related to early childhood education and development. We increased funding for the Early Head Start program by $66 million and provided and 11% increase in early intervention programs for infants and toddlers with disabilities. We also provided an additional $50 million for the Child Care and Development Block Grant to improve the quality of care for infants. I would have liked to do more, but we were constrained by provisions in the budget agreement. These accomplishments set the stage for us to do much more during 1998.

Mr. President, many low and middle-income families simply cannot afford high quality or even get decent child care. According to the Children's Defense Fund, child care can cost between $3,000 and $8,000 for each child. This clearly makes child care inaccessible to many low-income and middle-income working parents with young children. The need for safe and affordable child care is great and this legislation will provide families with the help they need.

Last year, the President and First Lady sponsored the first White House Conference on Child Care. The child care concerns facing families was summed up quite simply by Secretary of Health and Human Service Secretary Donna Shalala. Can they afford it? Can they get it? Can they trust it? This legislation is a comprehensive response to those questions.

First, the bill improves the affordability of child care for low-income families by providing additional resources for the Child Care and Development Block Grant. This new funding will double the number of families who can qualify for these subsidies. Second, it provides significant additional assistance for many middle income families struggling with these huge costs.

We have all heard concerns about the difficulty working families have in securing child care subsidies. In Iowa, eligibility for Block Grant assistance is restricted to families who earn less than 125% of poverty—or less than $1,389 per month for a family of three. I have long championed the need for parents to have the opportunity to work rather than to be on welfare. But, we cannot expect that to happen without sufficient resources to pay for child care.

I am pleased that this legislation includes a significant increase in the child care tax credit, similar to a measure I introduced in 1996 and 1997. A key feature of this legislation is to make the credit refundable so that those will the greatest need—those that making near the minimum wage would be able to receive this tax benefit. Under current law, they are not eligible.

However, low-income families are not the only ones who are struggling to pay for child care. Middle income families also need relief and this legislation expands the Dependent Care Tax Credit and makes this credit refundable. The limits of the existing tax credit was last changed in 1982 and it has been seriously eroded by inflation. Under existing law, a working family with two children in child care making $30,000 can receive only $960 which, in Iowa often that amounts to only a fraction of child care costs. This is a huge burden on young working families. The tax law in this area is especially unfair since other tax provisions allow some taxpayers with generous company benefits to acquire tax reductions equal to over $1500 for child care with only a single child in day care.

In 1996 and 1997, I introduced legislation to substantially increase the assistance available to working families and to make those benefits refundable so lower income families would also benefit. My proposal provided for a benefit of up to $2300 when two children are in day care. I am pleased that the proposal being introduced today, and the proposal submitted by the President reaches that same level. Because of need to keep this overall proposal within our ability to pay for it without eating into the surplus, the benefits start to phase down for families making over $30,000 in this proposal. I would favor starting to phase out the size of the increased benefit at a higher level covering a larger share of middle income families if we can find the additional offsetting funding.

A key feature of the tax provision is to make the credit refundable so that those with the greatest need—those that making near the minimum wage would be able to get this benefit, that is currently available to higher income families. While some make technical arguments against the provision regarding budget and tax policy issues, I feel that we must do more to help working families bear this considerable cost and help their children receive decent child care so important to establish a good foundation for their years in school and thereafter. And, I find it most unreasonable that those with the most need would be receiving less benefit then those with far more resources.

After our constituents tell us about the trouble they have paying for child care, the next thing we hear is that they can't find child care, especially for children who are school age. An estimated five million children spend some times each week as ''latchkey'' children without the supervision of an adult. Further, the Department of Justice tells us that most juvenile crime occurs during the hours of 3 and 8 pm.

This legislation addresses this critical need by expanding funding to improve the supply and quality of child care for school age children. In addition, more funds would be made available to the 21st Century Community Learning Centers to help public schools create before and after school activities for their students.

Finally, families want quality child care that they can trust and this legislation provides additional funding to encourage states to improve the quality of child care. These funds could be used for a variety of different activities that we know make a difference such as providing additional training for providers or reducing provider-child ratios.

The legislation also provides a modest tax credit to allow a parent to stay at home with children under the age of one and provides a tax credit to employers for expenses related to child care for their workers.

Mr. President, this legislation provides the most comprehensive response for families struggling to meet their child care needs and I urge my colleagues to support it.

By Mr. ALLARD (for himself and Mr. ENZI):

S. 1608. A bill to provide for budgetary reform by requiring the reduction of the deficit, a balanced Federal budget, and the repayment of the national debt; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

THE AMERICAN DEBT REPAYMENT ACT

Mr. ALLARD. Mr. President, I have, of course, from time to time addressed the Senate at this point in the day because I am introducing a piece of legislation called The American Debt Repayment Act.

I think this is an important piece of legislation, and it certainly is very timely when we take into consideration that Congress now has the President's budget before us for consideration. Recently the President submitted to Congress what he claims to be a balanced budget for the fiscal year 1999. I would like to welcome him to the ball game of talking about a balanced budget.

Since I was elected as a Member of Congress in 1990, I have fought to balance the budget using real numbers. In fact, I was a member of the House Budget Committee that passed the first balanced budget in over 25 years only to see this detailed, responsible plan vetoed by the President.

As happy as I am that the administration has come close to realizing what the Republican led Congress has known all along, that we can balance the budget while maintaining responsible spending habits, I am deeply concerned that all progress could be lost if we do not diffuse the ticking time bomb of the Federal debt. The Federal debt now stands at over $5.4 trillion. That is almost $20,000 for every man, woman and child in the United States. If we do not begin a procedure for paying down the debt and funding the Social Security trust fund, entitlement programs will consume the entire Federal budget by the time the baby boomers retire. This is of great concern to me, and we cannot be shortsighted in dealing with the future of our children and grandchildren.

The news, however, is not all bad. As I said, the President has submitted a budget that balances on paper beginning with the fiscal year 1999. While the reality could be different, this is still 4 years ahead of the 2002 timetable that was laid out by previous Congresses. Balancing the budget is clearly not the end but, rather, is only the beginning. From the outset, many of us have realized that once the budget is balanced, the Federal Government has the responsibility to retire the Federal debt. Included in the balanced budget agreement of 1997 was an amendment of mine, and it expressed the sense of the Congress that the President submit a plan to pay down the debt when he submitted his budget. He did not follow this congressional guideline and that is one of the reasons why I feel I must come to the floor today and introduce the American Debt Repayment Act with my good friend from Wyoming, Senator ENZI. It is clear that now is the time to begin that process and commit to retiring the Federal debt.

Let's talk a little bit about what I call the debt tax. The debt tax is the amount of hard-earned tax dollars that Americans send to Washington to pay the interest on the debt. With the Federal budget in balance, we can begin to pay down the debt and decrease the annual gross interest payments of $355 billion. I repeat that, $355 billion is what we are paying in gross interest. This is $355 billion that could be spent on any number of programs, or more beneficially, in my view, tax relief for American families. In real terms, American families are paying an annual debt tax of about $5,300 to pay interest on the debt. As any consumer knows, the interest on unpaid debt compounds quickly, which is exactly what has been happening to our country. We need to relieve our citizens of this burdensome tax.

Now, there are reports that we might actually realize a surplus before the fiscal year 1999. While I am not ready to take it to the bank yet, I believe that is exactly what we should do with any surplus, take it to the bank and retire the Federal debt. The Congressional Budget Office is predicting a $5 billion deficit for fiscal year 1998. That is down from a forecast of $120 billion at the beginning of the year. I believe that we can and should deliver a balanced budget to the American people beginning with this fiscal year.

I am a realist and understand that we cannot retire the Federal debt immediately. What we can do is create a plan by which we pay down the debt over a set number of years. I have such a plan. My legislation, the American Debt Repayment Act, seeks to amortize and pay off the debt in the year 2028. That is as simple as it gets. My plan puts the Federal Government on a 30-year mortgage to pay its creditors and place our country on sound financial ground.

Let me share some of the numbers. If we assume a 4.5 percent growth in revenues and similar growth in Federal spending, we could retire the Federal debt in the year 2028 by maintaining a balanced budget and by amortizing the debt payments just like you would pay a home mortgage. Just as important, this plan does not break our promise to the American people under the balanced budget agreement.

By doing so we save over 3.7 trillion tax dollars in interest payments and free at least that much for tax relief or programs. In fact, if we stick to baseline outlays we will be able to provide over $370 billion in tax relief or program spending through the year 2007 while sticking to the American Debt Repayment Act to pay off the debt.

I would like to take an opportunity to refer to my chart that I have on the floor where I have placed for the Members to see an amortization schedule on how we are going to pay off this huge debt Americans are faced with today, which is about $5.5 trillion. If we start paying down on the debt in fiscal year 1999, we have a $11.6 billion payment that we start out with and each year we increase the amount we pay down on the debt by $11.6 billion. If we continue that plan, by the year 2028 we have no debt. And what we have saved the American people over that same period of time, and I have it in red here, is $3.7 trillion. By paying down the debt, we have saved the American people in interest savings more than $3.7 trillion.

By the year 2014 the savings in interest payments could be applied directly to the $11.6 billion to continue to pay down the debt. So this is a very realistic plan. It is a very simple plan. It is less than 1 percent of our total budget that we have in the fiscal year, our total budget being somewhere around $1.7 trillion. It is a plan that I think the Senate should adopt. It is called the American Debt Repayment Act. My hope is that we can set an example for the country as well as the House and send over to the President a plan that will balance the budget by 2028.

In the end, we will realize tremendous benefits from paying down the debt. It is well-known that the United States economy performs well when Government follows sound budgetary policies. I believe that enacting a plan to retire the debt can only foster economic growth and stability.

Many of my colleagues have come to the floor to discuss reduction plans, and for the most part we all agree on the necessity to do so. But the problem

with plans that call for one-half or one-third of any surplus to repay the debt is that any President or Congress can produce a budget without a dime of surplus even though revenues continue to increase.

I believe that any money left over after $11.6 billion has been committed to the debt should go to tax cuts, and I will fight against tax cuts for any extra spending. As I indicated earlier under my plan we can pay down the debt and lessen the tax burden on the American family.

Mr. President, the Federal Government has not reduced its debt burden since 1959. We did not have a deficit in 1969, but it has been way back to 1959 since there has been any effort to reduce the debt burden. We have a historic opportunity to begin the process of retiring the Federal debt. We must eliminate the debt tax by retiring the Federal debt and restoring financial security to the trust funds and the American people.

The American Debt Repayment Act is the only real plan to retire the national debt. This plan puts forth real numbers with a set payment and a balanced budget requirement to retire the Federal debt. So long as the Federal Government carries a $5.4 trillion debt, we cannot tell our children and our grandchildren that we have provided for their future. By enacting my and Senator ENZI's plan, we can maintain responsible spending levels within the Federal Government while providing for future generations.

Again, I thank my friend from Wyoming and look forward to the Senate's action on this plan.

I yield the floor.

Mr. ENZI addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I too rise as an original cosponsor to express my support for the American Debt Repayment Act and to congratulate Senator ALLARD for all of his work on this very important issue.

While Congress was not in session, I traveled several thousand miles across Wyoming. At town meetings I constantly and consistently heard comments such as, ''What surplus? If there is any surplus, please pay down the debt. Don't squander any of it on new spending ideas.''

If recent CBO estimates hold true, we have the lowest deficit in about 30 years. We did not get to that point by exercising fiscal restraint, however. We still spent too much—nearly $1.7 trillion every year. I voted against the spending portion of the Balanced Budget Act of 1997 because it seemed clear more could have been done to cut down the size and scope of the Federal Government and get our fiscal house in order faster. If not for the unexpected revenues that came as a result of 7 years of economic expansion, we would not even be close to eliminating the Federal deficit today.

In recent days, I have seen a unique attitude transformation take place in this city. Even though a budget surplus, or even a zero deficit—only estimated, of course—has not occurred yet, the administration has not hesitated to offer over $100 billion worth of new and expanded programs that would easily create a larger deficit in its proposed balanced budget. There are even more tax proposals. It seems the eye for spending is still bigger than our taxpayers' wallets.

Even though the economy is strong, I am surprised that so few are concerned about the debt we as a nation are in danger of passing on to our children and our grandchildren. It seems we are tied to the immediate gratification we receive from spending money, spending money that we do not even have. We do not see the danger that looms in the not too distant future if we do not stop spending on credit and with reckless abandon. That danger is a massive Federal debt and changing demographics that will place a tremendous amount of pressure and burden on young taxpayers who, if no changes are made to the entitlement programs, will see a bankrupt Social Security and Medicare system and a mountain of debt so high and an economy so weak there will be no hope of paying it off. Somehow we have convinced ourselves that we deserve these benefits. Meanwhile, we will will it to our children to figure out a way to pay for them.

The interest, just the interest that we are now paying on the Federal debt has reached about 15 percent of the total budget outlays. That amounts to $250 billion that cannot be used for education or military readiness and our national defense or people. The only way we can cut down on the amount of interest paid is to pay down the Federal debt.

We have a Federal debt of over $5.5 trillion. We must run budget surpluses not just for 1 or 2 years but for 30 or more years to pay off that debt. And the surpluses are not even projected to last that long. I believe the administration and Congress should heed the words of the Federal Reserve Board Chairman Alan Greenspan. He noted in his testimony to the Senate Budget Committee on Thursday, January 29, 1998, that we should be cautious in our spending because Federal revenues are not guaranteed and they may fall short of our expectations.

He again advised that ''we should be aiming for budgetary surpluses and using the proceeds to retire outstanding Federal debt.'' That will keep the economy sound and protect Social Security.

The American Debt Repayment Act follows the advice of Chairman Greenspan. It requires budgetary surpluses every year, with these surpluses going toward payment of the Federal debt. These payments would amortize the debt over the next 30 years, similar to house mortgage payments, only on a $5.5 trillion mansion. Anyone who purchases the house must pay the mortgage that accompanies it. Why should the Federal Government be exempt from a similar requirement? It's the ethical thing to do, and it just makes sound economic sense. Yes, we bought a house for us and our kids, and we will pass on the house and the debt. But let's be sure it's a responsible debt with the payments current.

Now is the time to start making these mortgage payments and begin to chip away at that mountain of debt. It is irresponsible, reckless, and selfish to wait any longer. Any delay will jeopardize the national security and economic freedom of us, our Nation, and our children.

Some may ask if we can afford to do this now. In response, I would borrow the words of former President Ronald Reagan:

If not now, when? If not us, who?

I yield the remainder of my time.

Mr. ALLARD. I thank the Senator for his very fine statement and yield the remainder of my time. I thank the Senator from Vermont.

By Mr. HATCH (for himself, Mr. CLELAND, Mr. HAGEL, Mr. STEVENS, Mr. FORD, Mr. LOTT, Mr. COVERDELL, Mr. KEMPTHORNE, Mr. ALLARD, Mr. ASHCROFT, Mr. BOND, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. COATS, Mr. COCHRAN, Ms. COLLINS, Mr. CRAIG, Mr. D'AMATO, Mr. DEWINE, Mr. DOMENICI, Mr. ENZI, Mr. FAIRCLOTH, Mr. FRIST, Mr. GRAMM, Mr. GRAMS, Mr. GRASSLEY, Mr. GREGG, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. KYL, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. ROBERTS, Mr. ROTH, Mr. SANTORUM, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH of New Hampshire, Mr. SMITH of Oregon, Ms. SNOWE, Mr. THOMPSON, Mr. THURMOND, Mr. WARNER, Mr. BAUCUS, Mr. BREAUX, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. REID, Mr. ROCKEFELLER, and Mr. JOHNSON):

S.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

FLAG DESECRATION CONSTITUTIONAL AMENDMENT

Mr. HATCH. Mr. President, it is with great honor and reverence that I rise today with my friend and colleague, Senator CLELAND, to introduce a Constitutional Amendment to permit Congress to enact legislation prohibiting the desecration of the American flag.

Mr. President, symbols are important. They remind us of who, and what, we are. Those of us who are married, for example, wear wedding rings to symbolize the commitment we have made to share our lives with another person. For those of us who are Christians, the cross serves to remind us of the importance of faith and sacrifice.

Similarly, Jews unite behind the Star of David, which tells them they are of an ancient faith and lineage. These representations are not trivial. They help bind us together and give us a common identity.

In similar fashion, the American flag serves as a symbol of our great nation. As a religious symbol serves to remind its adherents of their common identity, the flag represents in a way nothing else can, the common bond shared by an otherwise diverse people. Whatever our differences of party, race, religion, or socio-economic status, the flag reminds us that we are very much one people, united in a shared destiny, bonded in a common faith in our nation.

Nearly a decade ago, Supreme Court Justice John Paul Stevens reminded us of the significance of our unique emblem when he wrote:

> A country's flag is a symbol of more than nationhood and national unity. It also signifies the ideas that characterize the society that has chosen that emblem as well as the special history that has animated the growth and power of those ideas. . . . So it is with the American flag. It is more than a proud symbol of the courage, the determination, and the gifts of a nation that transformed 13 fledgling colonies into a world power. It is a symbol of freedom, of equal opportunity, of religious tolerance, and of goodwill for other peoples who share our aspirations.

Justice Stevens' words ring true. After all, for over 200 years, this proud banner has symbolized hope, opportunity, justice and, most of all, freedom, not just to the people of this nation, but to people all over the world.

Perhaps no three events symbolize the importance of this national symbol better than the great battle to our North that gave rise to our national anthem, the ''Star Spangled Banner''; the raising of the American flag on the Island of Iwo Jima by United States Marines during World War II; and the planting of the flag upon the moon.

When Francis Scott Key, imprisoned on a ship in Baltimore Harbor, looked to the besieged Fort McHenry he penned the immortal question ''O say does that star spangled banner yet waive, o'er the land of the free and the home of the brave?'' That dark night, he witnessed the bombardment of the fort, and knew that if it fell, the tide of the war could turn. In the early morning light, Key gazed out across the water to see if the fledgling nation had survived. And one glorious symbol gave him his answer.

In the second verse of our great national anthem, Key described what he saw: ''On the shore dimly seen through the mists of the deep, where the foe's haughty host in dread silence reposes—What is that which the breeze o'er the towering steep—as it fitfully blows, half conceals, half discloses? Now it catches the gleam of the morning's first beam in full glory reflected now shines on the stream. 'Tis the Star Spangled Banner, Oh long may it wave o'er the land of the free and the home of the brave.'' When Francis Scott Key looked out that morning, oh how he must have felt to have seen that yes, that banner did wave and that the hope of the nation was preserved.

At a similarly cricial point in this nation's history, Americans rallied around a photograph of United States Marines raising the flag on the island of Iwo Jima during World War II. That heroic image, immortalized in the Marine Corps Memorial next to Arlington National Cemetery, instantly came to symbolize the determination and courage of all the brave Americans fighting in that great struggle for the very survival of America as a free nation. Seeing the American flag raised on an island so close to the enemy's shore, so far from home, gave the country the will it needed to fight on.

Fifty years later, the planting of the flag on that small pacific island remains one of our nation's most powerful images, reminding us that throughout our history, through the generations, from the Battle of Bunker Hill, to the Civil War, to Operation Desert Storm, on every continent and ocean, in every corner of the world, Americans have fought, and in many cases given their lives, fighting under this flag for the nation and the ideals it represents.

And who can forget the fact that the greatest honor bestowed upon those who have died in battle or otherwise given great service to this nation, is to have the flag draped over their caskets. It is a reminder to the living that they owe their freedoms to those who have fallen and a promise to the dead that their country has not forgotten them.

It is not only in war that this national symbol has served to unite us. Few who saw it live on television will forget the moment when Neal Armstrong and Buzz Aldrin planted the American flag on the moon. This moment, perhaps more than any other, demonstrated that we are a nation of restless explorers, of dreamers, always ready to reach for the stars. The flag planted upon that alien soil was a testimony to the hard work, the ingenuity, and the pioneer spirit of the American people.

I am therefore proud to rise today to introduce a constitutional amendment that would restore to Congress the right to protect our unique national symbol, the American flag, from acts of physical desecration.

Restoring legal protection to the American flag is not, nor should it be, a partisan issue. Fifty four Senators, both Republicans and Democrats, have joined with Senator CLELAND and myself as original cosponsors of this amendment.

Now, some have argued that this Amendment actually violates American principles. They contend that preventing the physical desecration of the flag actually tramples on the sacred right of Americans to speak freely. I disagree. Restoring legal protection to the American flag would not infringe on free speech. If burning the flag were the only means of expressing dissatisfaction with the nation's policies, then I, too, might oppose this amendment. But we live in a free and open society. Those who wish to express their political opinions may do so in the media, in newspaper editorials, in peaceful demonstrations, and through their power to vote.

Certainly, smashing in the doors of the State Department may be a way of expressing one's dissatisfaction with the nation's foreign policy objectives. And one may even consider such behavior speech. Laws, however, can be enacted preventing such actions—in large part because there are peaceful alternatives that can be equally powerful. After all, right here in the United States Senate, we prohibit speeches or demonstrations of any kind, even the silent display of signs or banners, in the public galleries. As a society, we can and do place limitations on both speech and conduct.

Moreover, contrary to the claims of some, restoring legal protection to the American flag would not overturn or otherwise constrict the First Amendment. Rather, it would merely overturn an interpretation of that amendment by the Supreme Court, in which the Court, by the narrowest of margins, held that flag burning was a form of protected free speech. I believe the Court's majority had it wrong—that its decision flew in the face of over 200 years of American history: burning the flag is conduct—conduct for which there exists numerous peaceful alternatives—and may be prohibited. The amendment Senator CLELAND and I propose would correct the Supreme Court's error and restore to Congress and the States the power they historically had to protect the American flag from acts of physical desecration.

Nor would restoring legal protection to the American flag place us on a slippery slope to limit other freedoms. The flag is unique as our national symbol. There is no other symbol, no other object, which represents our nation as does the flag. Accordingly, there is no basis for concern that the protection we seek for the American flag could be extended to cover any other object or form of political expression.

For many years, our flag was protected, by federal laws and laws in 48 states, from acts of physical desecration. No one can seriously argue that freedom of speech or freedom of expression was diminished or curtailed during that period. Restoring the protection of law to our flag would not prevent the expression, in numerous ways safeguarded under the Constitution, of a single idea or thought.

I would note that the effort to restore legal protection to our national symbol is a movement of the American people. It has been initiated by grassroot Americans; numerous civic, veterans and patriotic organizations, led by the American Legion, joined together in the Citizens Flag Alliance, working to build support across this

nation for a constitutional amendment to restore the historical protection of our flag. And forty-six states have passed resolutions urging Congress to send a flag protection amendment to the states for ratification.

That is no small support. I believe we need to support them.

I therefore think that the will of the people should not be frustrated by this body. This resolution should be adopted, and the flag amendment sent to the states for their approval.

Mr. President, I ask unanimous consent that the text of the proposed amendment be included in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 40

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within 7 years after the date of its submission for ratification:

''ARTICLE—

''The Congress shall have power to prohibit the physical desecration of the flag of the United States.''.

Mr. HATCH. Mr. President, I am very honored to be a cosponsor with my dear friend from Georgia, Senator CLELAND. I appreciate the efforts he has put forth in this battle, and having served in the military as he has done with such distinction and with such courage and heroism I think we ought to all listen to him and I for one will certainly do that. I am proud and privileged to be able to work with him. So I yield the floor to my colleague.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CLELAND. Mr. President, I thank my friend and colleague, the distinguished Chairman of the Judiciary Committee, Senator HATCH. I applaud his stalwart leadership on this important matter.

Mr. President, I am a strong supporter of a Constitutional amendment to prohibit the physical desecration of the United States flag.

Like many Americans, I was troubled when the Supreme Court ruled in two cases, Texas v. Johnson, and United States v. Eichman, that statutes protecting the United States flag were unconstitutional violations of the First Amendment right to free speech. I respected the wisdom of the Justices of the Supreme Court, yet I was saddened that we no longer were able to rely upon statutory authority to protect the flag.

I was especially saddened in light of the views expressed by such distinguished past and present Supreme Court Justices as Justices Harlan, Warren, Fortas, Black, White, Rehnquist, Blackmun, Stevens, and O'Connor. These Justices have each supported the view that nothing in the Constitution prohibits the states or the federal government from protecting the flag. Nonetheless, the current Supreme Court view stands. That is what brings us here today.

The flag is not a mere symbol. It is not just a symbol of America. It IS America. It is what we stand for. It is what we believe in. It is sacred.

I do not have to tell the Senate what the flag means.

Just ask the soldier who proudly marches behind the flag what it means to salute the flag of the United States.

Ask the newly sworn citizen what it means to claim the flag of the United States for his or her own.

Ask the grieving widow or mother of a slain soldier who is presented with the flag that draped the soldier's casket.

Being from the South and being a history major in college, it was only natural that I become a student of the Civil War. For those who do not believe in the flag, I would point to the literally hundreds of citations given to men in battle during the Civil War for acts of valor associated with the flag.

Soldiers were routinely awarded the Medal of Honor, America's highest military award, for defending the United States flag and carrying it forward into battle. Many of these awards were awarded posthumously. These brave men knew the meaning of the flag.

The flag unites Americans as no symbol can. Only God and the United States Constitution itself stand above the flag.

Everywhere history has been made in this country, the flag has been present.

It was the United States flag that inspired our National Anthem.

It was an American flag that was raised when Jesse Owens stunned Nazi Germany.

It was a United States flag that was hoisted in Iwo Jima.

It was the United States flag that was planted on the Moon.

Those who would desecrate the flag would desecrate America. I cannot stand by that. Therefore, I stand for a Constitutional amendment.

This amendment is simple. It vests only Congress with the authority to protect the flag through statute. We need not fear that the states will create a hodge-podge of flag protection statutes. Instead, Congress can create one uniform statute for the entire nation.

According to opinion surveys, 3 out of every 4 Americans support protecting the flag from desecration. Forty-nine states have enacted resolutions to calling on Congress to pass a flag protection amendment. I believe we ought to let the American people decide this important matter. Therefore, I lend my support to efforts to send this initiative to the American people for ratification.

Unfortunately, it has been the Senate that has blocked these efforts. The House has twice passed resolutions that would begin the formal process of amending the Constitution to protect the flag. The Senate has failed to respond to the overwhelming majority view of the American people.

I believe now is an especially important time to reinforce our support for the American flag. The United States is unquestionably the world's only remaining superpower. Our leadership around the world is unrivaled. The principles of democracy and freedom that guided our forefathers in establishing our great nation are seen as shining examples for the world.

Everywhere that communism has failed, where dictators have been overthrown, where tyranny has been rooted out, people look to America. And it is an American flag that leads our ambassadors, our troops, our citizens, and our hope as we lend our support and leadership to those nations struggling to overcome their past.

People who seek asylum from religious, political, and ethnic persecution look for an American flag flying over our embassies abroad to guide them to the place where their human rights will be respected and protected.

Let us now send a strong signal to the world that we truly cherish this great symbol. Let us now use this opportunity to show the world that we reaffirm our commitment to the ideals the flag stands for.

Indeed, as Supreme Court Justice Stevens said in his dissent from Texas v. Johnson:

> The freedom and ideals of liberty, equality, and tolerance that the flag symbolizes and embodies have motivated our nation's leaders, soldiers, and activists to pledge their lives, liberty, and their honor in defense of their country. Because our history has demonstrated that these values and ideals are worth fighting for, the flag which uniquely symbolizes their power is itself worthy of protection from physical desecration.

These are powerful, wise words. Words we should all heed.

Let us now stand in support of the Flag of the United States of America. I urge my colleagues to join with us in support of this resolution.

Mr. STEVENS. Mr. President, this joint resolution, the Flag Desecration Constitutional Amendment, proposes an Amendment to the Constitution that would empower Congress to prohibit the physical desecration of our Flag. I am proud to join Senator Hatch and my other colleagues as a sponsor.

Two years ago the Senate came close to passing this amendment. At that time, ninety percent of Alaskans who contacted me supported this effort. I am confident their stance has not changed. Alaskans support our flag and the freedom it represents. Alaskans strongly support the protection of this symbol of freedom.

Our flag has a special place in my heart and the hearts of all Americans. As those who have served overseas know, the flag was our reminder of America and our freedom. Freedom much greater than any country ever offers. Our missions oveaseas were to protect that freedom and the flag

which symbolizes it. Too many have devoted their lives for our country for us not to protect its most sacred symbol.

Forty-eight states had laws preventing flag desecration before the Supreme Court struck them down. The flag is a direct symbol of our country. Fifty stars for fifty states. I remember the day the forty-ninth star was pinned on the flag. Having played a role in the Alaska statehood movement, I can say it was one of the proudest moments in my life. I support every effort to preserve the sanctity of America's flag.

The Supreme Court has given us a choice. We can accept that the First Amendment allows the desecration of America's flag. Or we can change the law to prevent it. The power to amend the Constitution demands a cautious respect. It is a considerable power—one that has helped chart the course of our history. We should not jump headlong into amendments. But we should not be afraid to act on our beliefs, either. The people of Alaska are strong in their belief that our flag should not be desecrated, and we support this amendment.

Mr. FORD. Mr. President, today I add my name as an original cosponsor of a constitutional amendment to prohibit the physical desecration of the American flag.

I know that there are many who believe that the desecration of our country's flag is the ultimate expression of their political freedoms, but I do not believe all speech is free. Our country pays a price when we see demonstrations which tear down our standard bearer of national integrity. Our flag represents the values upon which this nation was founded and our charter of government established in Philadelphia in 1787. When we no longer value the flag as a symbol of national unity and allegiance to this compact, our Republic is weakened.

Burning our country's flag is not political free speech, it is political garbage. As a society, we have placed parameters on free speech. A person who shouts fire in a crowded theater does not enjoy the protection of freedom of speech. A person whose words incite violence does not enjoy the protection of the First Amendment. I firmly believe that no legitimate act of political protest should be suppressed. Nor should we ever discourage debate and discussion about the Federal government. However, to allow the physical desecration of our national symbol is to allow the ties that bind us as a country, the ties that bind one generation to the next in their love and respect for this country, to be weakened. When we no longer value our flag, we lose value for our country, our government, and each other.

Over two hundred years after the ratification of our nation's Bill of Rights, the United States Supreme Court erroneously ruled that the desecration of our national symbol is protected speech in the case of Texas vs. Johnson. In response to this decision, the United States Senate overwhelmingly passed the Flag Protection Act, which was also declared unconstitutional by the high court. The Supreme Court's action has made it clear that a constitutional amendment is necessary for enactment of any binding protection of the flag. Up to this point, neither House of Congress has been able to garner the two-thirds super majority necessary for passage of a constitutional amendment. But because grassroots support for this amendment continues to grow, I have joined with members on both sides of the aisle to again try passing this amendment. I am hopeful that this time we will get the necessary votes.

Let me close by recalling the words of a Union Soldier in his last letter to his wife dated July 14, 1861. He said, ''my courage does not halt or falter. I know how American civilization now bears upon the triumph of the government and how great a debt we owe to those who went before us through the blood and suffering of the Revolution, and I am willing, perfectly willing, to lay down all my joys in this life to help maintain this government and pay that debt.''

Today, our task here in the Senate seems trivial in comparison. But if we want the flag that hangs in school rooms, over courthouses, in sports stadiums and off front porches all across America, to continue symbolizing that same commitment to country, then it is a challenge we cannot fail to meet.

Mr. President, I urge my colleagues to join me in supporting this important legislation.

Mr. LOTT. Mr. President, today, we begin the process of restoration. Restoration and renewal. Today, we look to our past, our history, as prologue of our future. We examine the events of recent years in the context of history in an effort to restore and renew our faith in this place we call America. They lynchpin of this process will be our restoration of what our flag—our American flag, the flag of these United States, the flag of what our founders referred to as ''We, the People''—means to us as a people, as citizens, as people united in the common cause of Freedom.

Our flag is no mere piece of cloth, even a brightly-colored piece of cloth—it is the symbol of our nation, and it stands for our ideals, our freedom, our hopes and dreams and, yes, our faith in our nation and in one another.

Let's consider this common cause, freedom. Some may say that we need no symbols to embody this cause. I might agree with those people if I had no knowledge of our history or how the American flag is viewed by people around the world.

For many, in this country and around the world, the American flag is the symbol of the freedom that they long for, that they strive to achieve and to preserve and that they honor. America has been called a ''melting pot'', where people of many cultures and nationalities come together to live, work and raise their families. Immigrants all, save those native Americans whose roots in this land we must also continue to honor and preserve, we recognize our fortune derived by living in a country where we don't merely talk about freedom, we practice and work to preserve it.

Symbols such as our flag don't just appear and receive acceptance. The flag hanging at the Smithsonian didn't come to be so large by chance—those who made that flag wanted our people to see it waving in the breeze and take cheer and for our opponents to see it and beware. The flag was born in our struggle for independence, and continues to exist in our struggle to ensure freedom for all Americans and other peoples of this world.

Our flag has survived burning and desecration in this country and in other countries. It will survive, as will our faith in our country and our freedoms, no matter the strength of our enemies. We who believe in this country must recognize that our symbols, such as our flag, are important and must be protected and preserved for they are the very embodiment of the ideals, hopes and dreams they stand for. We must protect our flag just as we would protect those ideals.

In 1942, Congress recognized that the flag should be treated in a way more special than the way we treat any other symbol. That year, the Congress enacted the Flag Code to set requirements for how the flag should be displayed and honored. In that day and time, the question was not how to prevent destruction and desecration but merely to set rules for the care and handling of the flag. There was no thought given to doing what we propose to do today because it was beyond thought that conditions would exist in this country that would require such action. Even then, Congress recognized that with freedom comes responsibility. It is time that we recognize that responsibility again as our predecessors in the Congress in 1942 did.

Mr. President, I will close by quoting from an address in 1914 by Franklin K. Lane, then Secretary of the Interior, to the employees of the Department of the Interior on Flag Day, commenting on what the flag might say to us if it could speak:

I am song and fear, struggle and panic, and ennobling hope.
I am the day's work of the weakest man, and the largest dream of the most daring.
I am the Constitution and the courts, statutes and the statute-makers, soldier and dreadnaught, drayman and street sweep, cook, counselor, and clerk.
I am the battle of yesterday and the mistake of tomorrow.
I am the mystery of the men who do without knowing why.
I am the clutch of an idea and the reasoned purpose of resolution.
I am no more than what you believe me to be, and I am all that you believe I can be.
I am what you make me, nothing more.

I swing before your eyes as a bright gleam of color, a symbol of yourself, the pictured suggestion of that big thing which makes this nation. My stars and stripes are your dream and your labors. They are bright with cheer, brilliant with courage, firm with faith, because you have made them so out of your hearts. For you are the makers of the flag and it is well that you glory in the making.

Mr. President, we made this flag as we made this nation. We can destroy this flag or we can protect and preserve it, just as we can destroy this nation or we can protect and preserve it.

The choice is clear. The result is in our hands. As for me, I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

I urge the adoption and passage of this Constitutional amendment.

Mr. COVERDELL. Mr. President, I am proud to join the Chairman of the Senate Judiciary Committee Senator HATCH, and others in introducing a constitutional amendment to prohibit the desecration of the flag of the United States of America. In the 104th Congress we fell a mere four votes shy of the two-thirds majority needed for the Senate's approval of a similar amendment. I encourage my colleagues to join in this effort and hope we will be able to address this matter before the end of the year.

In a 1989 Supreme Court case, Texas versus Johnson, the Court erroneously ruled, by the narrowest of margins, 5 to 4, that flag burning is a constitutionally protected expression of First Amendment free speech rights. Again in 1990, in U.S. versus Eichman, the Supreme Court protected flag desecration by declaring unconstitutional a federal statute designed to protect our flag. I remain dumbfounded by these decisions. Former Supreme Court Justice Hugo Black, generally regarded as a First Amendment absolutist once stated ''It passes my belief that anything in the Federal Constitution bars a State from making the deliberate burning of the American flag an offense.'' It passes my belief as well.

It is my belief that the American flag does not belong to one person; it belongs to the American people. When an individual desecrates a flag I believe he does not destroy private property but a national symbol, a public monument. Just as an individual cannot spray paint the Washington Monument as an exercise of free speech, nor should he be able to vandalize the American flag. I believe the American flag is ''franchised'' to individuals who wish to display it. Thus, those who choose to display an American flag have an obligation to the American people and to the country to maintain and respect it.

For more than 200 years Old Glory has symbolized hope, opportunity, justice and most of all, freedom. For this very reason our flag was protected from desecration by federal laws and laws in 48 states for many years. It is the will of the people that the States and Congress have the power to protect our national symbol. Let us now act on that will.

Mr. President, it is my firm belief that this constitutional amendment would protect our flag without jeopardizing the First Amendment. It would overturn these erroneous interpretations and would place flag desecration in the same category as other forms of illegal expression including libel, slander and obscenity. I believe the unique nature of Old Glory ensures a constitutional amendment protecting it from desecration would not impinge upon citizens' First Amendment rights nor would it establish a dangerous precedent. It would simply prohibit offensive conduct with respect to our nation's most revered symbol. I urge my colleagues to support this most important amendment.

Mr. ASHCROFT. Mr. President, I rise today in support of the proposed amendment to the United States Constitution to prevent desecration of our great national symbol. In 1995, I was an original co-sponsor of an amendment to the Constitution designed to protect the symbol of our nation and its ideals. When that resolution was defeated narrowly, we vowed that this issue would not go away and it has not. I stand here, again, today to declare the necessity of protecting the Flag of the United States of America and what it represents.

Thoughout our history, the Flag has held a special place in the minds of Americans. As the appearance of the Flag changed with the addition of stars as the nation grew, its core meaning to the American people remained constant. It represents no particular perspective, political agenda, or religious belief. Instead, it symbolizes an ideal, not just for Americans, but for all those who honor the great American experiment. It represents a shared ideal of freedom. The Flag stands in this chamber and in our court rooms; it is draped over our honored dead; it flies at half-mast to mourn those we wish to respect; and it is the subject of our National Anthem, our National March and our Pledge of Allegiance. As the Chief Justice noted in his dissent in *Texas* v. *Johnson* (1989), ''[t]he American flag, then, throughout more than 200 years of our history, has come to be the visible symbol embodying our nation * * * Millions and millions of Americans regard it with an almost mystical reverence regardless of what sort of social, political, or philosophical beliefs they may have.''

There can be little doubt that the people of this country fully support preserving and protecting the American Flag. The people's elected representatives reflected that vast public support by enacting Flag protection statutes at both the State and Federal levels. Regrettably, the Supreme Court thwarted the people's will—and discarded the judgment of state legislatures and the Congress that protecting the Flag is fully consistent with our Constitution—by holding that the American flag is just another piece of cloth for which no minimum of respect may be demanded. As a consequence, that which represents the struggles of those who came before us; which symbolizes the sacrifice of hundreds; and for which many men and women have died cannot be recognized for what it truly is—a national treasure in need of protection.

Further, the question must be asked, what is the legacy we are leaving our children? At a time when our nation's virtues are too rarely extolled by our national leaders, and national pride is dismissed by many as arrogance, America needs, more than ever, something to celebrate. At a time when our political leaders are embroiled in scandalous allegations, we need a national symbol that is beyond reproach. America needs its Flag untainted, representing more than some flawed agenda, but this extraordinary nation. The Flag, and the freedom for which it stands, has a unique ability to unite us as Americans. Whatever our disagreements, we are united in our respect for the Flag. We should not allow the healing and unifying power of the Flag to become a source of divisiveness.

The protection that the people seek for the Flag does not threaten the sacred rights afforded by the First Amendment. I sincerely doubt that the Framers intended the First Amendment of the Constitution to prevent state legislatures and Congress from protecting the Flag of the nation for which they shed their blood. At the time of the Supreme Court's decision, the tradition of protecting the Flag was too firmly established to suggest that such laws are inconsistent with our constitutional traditions. Many of the state laws were based on the Uniform Flag Act of 1917. No one at that time, or for 70 years afterwards, felt that these laws ran afoul of the First Amendment. Indeed, the Supreme Court itself upheld a Nebraska statute preventing commercial use of the Flag in 1907 in *Halter* v. *Nebraska*. As the Chief Justice stated in his dissent, ''I cannot agree that the First Amendment invalidates the Act of Congress, and the laws of 48 of the 50 States which make criminal the public burning of the flag.''

Nor do I accept the notion that amending the Constitution to overrule the Supreme Court's decision in the specific context of desecration of the Flag will somehow undermine the First Amendment as it is applied in other contexts. This amendment does not create a slippery slope which will lead to the erosion of Americans' right to free speech. The Flag is wholly unique. It has no rightful comparison. An amendment protecting the Flag from desecration will provide no aid or comfort in any future campaigns to restrict speech. Moreover, an amendment banning the desecration of the Flag

does not limit the content of any true speech. As Justice Stevens noted in his dissent in *Johnson* v. *Texas*, ''[t]he concept of 'desecration' does not turn on the substance of the message the actor intends to convey, but rather on whether those who view the act will take serious offence.'' Likewise, the act of desecrating the Flag does not have any content in and of itself. The act takes meaning and expresses conduct only in the context of the true speech which accompanies the act. And that speech remains unregulated. As the Chief Justice noted, ''flag burning is the equivalent of an inarticulate grunt or roar that, it seems fair to say, is most likely to be indulged in not to express any particular idea, but to antagonize others.''

In sum there is no principle or fear that should stand as an obstacle to our protection of the Flag. It is my earnest hope that by Amending the Constitution to prohibit its desecration, this body will protect the heritage, sacrifice, ideals, freedom and honor that the Flag uniquely represents.

Mr. CRAIG. Mr. President, I am pleased to join Chairman HATCH in introducing the joint resolution proposing a constitutional amendment to protect from physical desecration the flag of the United States. This is the same resolution that the House has passed, and we hope it will soon be passed by this body and sent to the American people for ratification.

Some of my colleagues may remember the time I came to this Senate floor with memorials from forty-three state legislatures, urging Congress to take action to protect the American flag from physical desecration. Those memorials were inserted in the CONGRESSIONAL RECORD for all to read. Today that number has swelled to forty-nine states, eleven more than are needed to ratify an amendment

Since this amendment was proposed in 1989, poll after poll has found that eighty percent of the American people consistently support a flag protection amendment. These polls have been performed in times when flag burnings have been more frequent, and times when the flag burners have been fairly quiet; yet the result is always the same—Americans want the flag protected.

Mr. President, today, we have an opportunity to respond to the American people by passing this resolution and sending a very simple amendment to the states for ratification. This amendment authorizes Congress to prohibit physical desecration of the flag of the United States. It is a very straight-forward proposal, and the only way this goal can be accomplished, according to the U.S. Supreme Court.

Our flag, which predates our Constitution, articulates ''America,'' more clearly than any other symbol does. Our flag represents the tapestry of diverse people that is America—as well as the values, traditions, and aspirations that bind us together as a nation. It waves as a patriotic symbol of our values. It's amazing to see how our flag captures basic American values and inspires people to protect them. In return, the vast majority of the American people want our flag protected from acts of intentional, public desecration.

We have many songs for our flag and have even named it Old Glory. That's because our flag holds a special place in our hearts. No other emblem of our nation has been defended as a symbol of freedom so animatedly. No other symbol has brought our country closer together, dedicated to life, liberty, and the pursuit of happiness. No other token has drawn immigrants to our nation, with the promise of democracy. No other artifact inspires us to rise to the same level of dignity and patriotism.

Our flag's leading troops into battle is an American tradition, inspiring both families at home and those on the front lines; it has inspired men and women to great accomplishments; it flies over our government buildings because it symbolizes our republic; it is displayed in our schools as a reminder of the importance of learning and our desire for an educated people; it is flown from the front of our homes because we are proud to be Americans and we are proud of the contributions our nation has made; it waves above our places of business as a testament to the free enterprise system; it hangs in our houses of worship as a symbol of our freedom to worship God as our conscience dictates. The flag represents the values, traditions and aspirations that bind us together as a nation. It stands above our differences and unites us in war and peace.

The American people want an amendment to protect the flag from desecration, and they should be given the opportunity to ratify it. We, as servants of the American people, shouldn't act as stumbling blocks. Instead, we should respond by passing this resolution. If the American people don't want this amendment, they can vote to reject it. However, we should remember that already more than three million people have signed petitions asking Congress to pass a flag-protection amendment and send it to the states for ratification. This is the first step in that process.

Flag desecration is offensive to the majority of Americans. To publicly desecrate even one flag promotes nothing worthwhile in our society, communicates no clear message, and tears at the fabric of our nation. Chief Justice William Rehnquist said, ''One of the high purposes of a democratic society is to legislate against conduct that is regarded as evil and profoundly offensive to the majority of people—whether it be murder, embezzlement, pollution, or flag burning.'' The U.S. flag is more than just a piece of cloth. It represents the fabric of our nation. I urge my colleagues to listen to the voice of the American people and join us in protecting our flag.

Mr. SMITH of New Hampshire. Mr. President, I am pleased to join Senators HATCH and CLELAND and others, as an original co-sponsor of S.J. Res. 40, the proposed constitutional amendment to protect our Nation's flag.

The act of flag burning—or any other kind of flag desecration—is an aggressive, provocative act. It is also an act of violence against the symbol of America—our flag. Even more disturbing, it is an act of violence against our country's values and principles. The Constitution guarantees freedom, but it also seeks to assure, in the words of the Preamble, ''domestic Tranquility.''

Many Americans have given their lives to protect freedom and democracy as symbolized by the flag. In my own family, my father died in a service-related accident during World War II. Our family was presented with his burial flag. That flag means a great deal to our family—and we believe that the flag deserves protection under the law.

Some people believe that outlawing desecration of the flag—which this Constitutional Amendment would authorize the Congress to do—would lead to the destruction of ''freedom.'' I disagree. Our Constitution was carefully crafted to protect our freedom, but also to promote responsibility. We are stepping on dangerous ground when we allow reckless behavior such as flag burning or other forms of physical desecration of the flag.

The Constitution that our Nation's Founders fashioned has survived the tests of time, but it has also been amended on 27 occasions. Under our Constitution, the Supreme Court does not have more power than the people. The people do not have to accept every Supreme Court decision—because ultimate authority rests in the Constitution, which the people have the power to amend.

The idea of amending the Constitution is serious business. We have found, however, that a simple statute is not enough. We tried that, and the Court struck it down. We must stand for something or we stand for nothing. I stand for a constitutional amendment authorizing Congress to ban flag desecration and I am confident that we will succeed in passing it in this Congress and submitting it to the States for ratification.

Mr. SMITH of Oregon. Mr. President, the people of the United States revere the American flag as a unique symbol of our great nation. It symbolizes the national unity that exists among diverse people, the common bond that binds us and makes us Americans. We are a nation that is defined by democracy. The flag symbolizes this democracy not only to ourselves, but to all other nations. It is through this democratic process that we feel free to exercise and enjoy the many liberties guaranteed to us.

Over the years, Congress has reflected respect and devotion to the American flag. In 1931, it declared the Star Spangled Banner to be our national anthem, and in 1949, established

June 14 as Flag Day. In 1987, Congress designated John Philip Sousa's 'The Stars and Stripes Forever' as the national march. Congress also has established detailed rules for the design and the proper display of the flag. Today, we have an opportunity to add one more important gesture of support for our national symbol, to pass an amendment that prohibits the physical desecration of the Flag of the United States.

Since 1990, 49 states have passed memorializing resolutions calling on Congress to pass a flag desecration amendment for consideration by the states.

Public opinion surveys have consistently shown that nearly 80 percent of all Americans support a constitutional amendment to prohibit flag desecration and do not believe that freedom of speech is jeopardized by this protection. Among the grassroots groups that endorse this legislation is the Citizens Flag Alliance, an alliance comprised of 119 civic, patriotic and veterans organizations, including The American Legion, AMVETS, the Knights of Columbus, the National Grange, the Grand Lodge, Fraternal Order of Police, and the African-American Women's Clergy Association.

This amendment, grants Congress and the states the power to prohibit physical desecration of the flag, but does not amend the First Amendment.

If we want to embrace the will of the American people, if we want to reserve the flag's unique status as our nation's most revered and profound symbol, and if we believe the flag is important enough to protect from physical desecration, then we should pass this Constitutional amendment.

Mr. President, I urge my colleagues to join me in support of this amendment.

Mr. THURMOND. Mr. President, I am pleased to rise as an original cosponsor of a proposed constitutional amendment prohibiting the physical desecration of the flag of the United States.

I have fought to achieve Constitutional protection for the flag ever since the Supreme Court first legitimized flag burning in the case of *Texas* v. *Johnson* in 1989. To date, we have not been successful in out efforts to pass a Constitutional amendment by the required two-thirds majority.

However, we have come close, and, most importantly, we have refused to quit. Last year, the House passed the amendment with the necessary votes, and I am very hopeful that we will follow suit in the Senate this year.

Some say that burning or defacing the American flag is not widespread enough or important enough for a constitutional amendment. I could not disagree more.

Since the birth of the Republic, the flag has been our most recognizable and revered symbol of democracy. It represents our Nation, our national ideals, and out proud heritage.

Men and women of our Armed Forces have put their lives on the line to defend the principles and ideals that the flag represents. Soldiers have risked and even lost their lives to prevent the flag from falling.

To say that the flag is not important enough to protect is to say that the values that hold us together as a Nation are not worth defending.

Flag burning may be rare, but even it is, it is not acceptable—I repeat, it is not acceptable. It is not tolerable. I hate to see anyone burn or deface the flag to make some statement. Why should society let even one person wrap themselves around some absolute interpretation of the First Amendment to protect indefensible speech? Have we focused so much on the rights of the individual that we have forgotten the rights of the people?

It is clear that the American public strongly favors this amendment. Opinion polls register overwhelming support. Every state except one has passed resolutions calling for a Constitutional amendment to protect the flag. It is a feeling of great pride to know of the sincere national patriotism that this support represents.

The House has already acted. It is now our turn in the Senate. We have a profound responsibility to pass this constitutional amendment as quickly as possible so that it can go to the States for ratification.

I urge my colleagues in the strongest terms to join us in this great effort to restore protection for the American flag. The flag of the United States, the symbol of freedom and democracy, must always be protected, and forever wave over the land of the free and the home of the brave.

ADDITIONAL COSPONSORS

S. 375

At the request of Mr. MCCAIN, the names of the Senator from Mississippi (Mr. LOTT), the Senator from California (Mrs. BOXER), and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 427

At the request of Mr. THOMAS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 427, a bill to amend the Internal Revenue Code of 1986 to restore the deduction for lobbying expenses in connection with State legislation.

S. 657

At the request of Mr. DASCHLE, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 800

At the request of Mr. ABRAHAM, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 800, a bill to create a tax cut reserve fund to protect revenues generated by economic growth.

S. 1180

At the request of Mr. KEMPTHORNE, the names of the Senator from New Hampshire (Mr. SMITH), the Senator from Colorado (Mr. CAMPBELL), and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 1180, a bill to reauthorize the Endangered Species Act.

S. 1215

At the request of Mr. ASHCROFT, the name of the Senator from Georgia (Mr. COVERDELL) was added as a cosponsor of S. 1215, a bill to prohibit spending Federal education funds on national testing.

S. 1316

At the request of Mr. ABRAHAM, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1316, a bill to dismantle the Department of Commerce.

S. 1360

At the request of Mr. ABRAHAM, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1360, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to clarify and improve the requirements for the development of an automated entry-exit control system, to enhance land border control and enforcement, and for other purposes.

S. 1365

At the request of Ms. MIKULSKI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1365, a bill to amend title II of the Social Security Act to provide that the reductions in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 1422

At the request of Mr. MCCAIN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1422, a bill to amend the Communications Act of 1934 to promote competition in the market for delivery of multichannel video programming and for other purposes.

S. 1563

At the request of Mr. SMITH, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 1563, a bill to amend the Immigration and Nationality Act to establish a 24-month pilot program permitting certain aliens to be admitted into the